

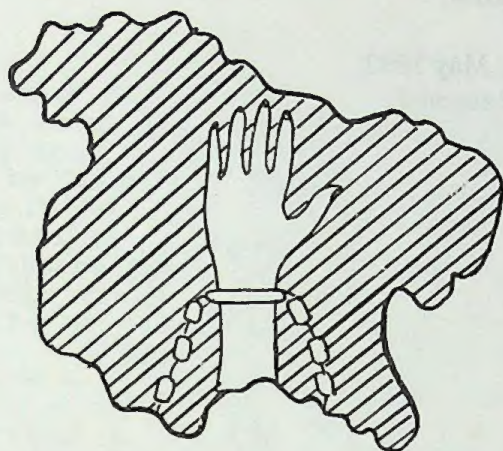
KASHMIR IN CHAINS

1819 - 1992

by

MOHMAD SULTAN PAMPORI

Pampori Publishing House



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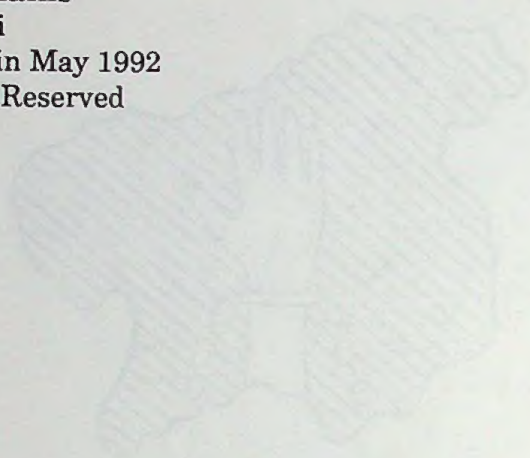
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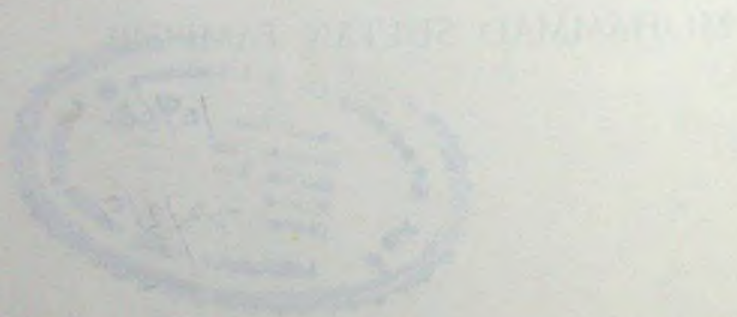
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P R E F A C E

In 1947, India and Pakistan were freed from alien rule. Kashmir, a country in Himalayas was taken out of a frying pan and placed in fire. One type of alien rule was replaced by another. Artificial cease-fire line was imposed by United Nations in 1948, with an understanding and international obligations and commitments that the people of Kashmir would be provided an opportunity to choose their future status. In a vain hope that the United Nations Organisation shall, sooner or later, fulfill its obligations, the people of this country continued to keep on chains, though the occupying power acclaimed them to be free. Immoral hold over the voiceless subjects of Indian-held Kashmir by force and international fraud was called accession. From that differential there ensued a syndrome. State terrorism was equated with patriotism. Evil, perverted, depraved and corrupt cat's-paws were placed at the helm of affairs by the occupying power in Kashmir. They were acclaimed as heroes and leaders of the people. Atrocities were common means of vengeance. Mass reprisals were dubbed as pre-emptive measures. In that process, causes of the Kashmir problem and its effects were mixed up and frequency of untoward events, resulting in loss of human lives, increased at an alarming rate; which gave rise, among other things, to an urge in the author to conduct in-depth study of the causes of the problem ab initio. Investigations in this research work were, therefore directed to examine:

- (a) Geo-political importance of Kashmir.
- (b) The genesis of the problem and locus standi of the alien ruler.
- (c) Claims of India on accession of Kashmir.
- (d) Means and ways adopted in colonization of Kashmir.
- (e) International interest and machinations.
- (f) Effects of developments in Asia on the problem.
- (g) Predicaments of the suffering people, etc.

Facts have been gathered from authentic sources, inter-related and presented, as far as possible, in a chronological order. During investigations important realities have been unearthed. Still it is believed that some information must have escaped the author's attention. Notwithstanding efforts made to present the truest possible information in a dispassionate manner, if there appear any inadequacies in any respect, observations and/or findings made by the author should form a basis for further thought and discussion in an open manner, so that hundreds of millions of the people in India,

Pakistan and Kashmir are benefitted.

This book is an anatomy of Kashmir problem in a wide perspective and tells a woeful tale of this Himalayan State under the alien rule from 1819 to 1992. Interests and contrivances of world powers in the region and machinations of the occupying power of Kashmir are predominantly focussed in here. There are certain revelations in this book, which should help clear the cob-webs of confusion which have been deliberately created by the interested elements in their own interest. This study should permit the reader to judge the Kashmir issue dispassionately on its merits.

On perusal of this book, it is believed that justice loving nations and the peoples of the third world countries suffering under the hegemony of the super power shall pay heed to this human problem more seriously than before. May be the super power, which is asserting for leadership of the whole world after the breakdown of Soviet Union; may be the industrial nations, some of whom claim themselves to be the custodians of freedom of the peoples of the world; and may be any of the third world country, which aspires for expansion of areas of influence by pursuing aggressive designs, shall understand the futility of old order and carnage of peoples as described in this book; and recognise that denial of the freedom of peoples has been the root cause of failure of the Soviet Union; and that the principle of referendum, if it was good and urgent for East European countries and Baltic States, it is more expedient and in their interest, in respect of Kashmir and other parts of the world suffering under colonisation, for the simple reason that the colonial powers thereof claim themselves as the custodians of peace, justice and democracy.

This book emphasizes that if adoption of U.N. resolutions are a must for Iraq and such other parts of the world where industrial nations interests are involved, they are a sine-quo-non in other States of the world as well where millions of the people are suffering under colonial chains. This book reveals the facts as to why the U.N. resolutions on Kashmir have been pushed in to cold storage. It impresses on the super-power and industrial nations the fact that the affected peoples of Kashmir are awakened and therefore agitated more than before. They crave for justice; and if it is denied to them, people in many parts of the world are due to agitate against the ignoble mechanism, machinations and tendencies for polarization of power and expansion of areas of influence and also against their lop-sided attitudes. Vested

interests can no longer be carried too far. Untenable right of Veto has seriously affected Kashmir and other parts of the world. This issue is looming large in the minds of some world leaders and peoples of the affected parts of the world, and is therefore due to be questioned by the justice loving peoples of the world.

April - 1992

Pampori Mohmad Sultan

About The Author

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GEOGRAPHY AND THE PEOPLE

With the independence of India and Pakistan in August 1947 A.D. there ensued a dispute about the status, expanse and future lordship of Kashmir¹ - a mountainous country situated at the head waters of Indus, Jhelum and Chinab, lying between 32°-17' and 36°-58' north latitudes and 73°-6' and 80°-30' east longitudes and bounded on the north (in one part) and north east by Chinese Turkistan (Sinkiang), on the east by Tibet, on the south (in one part) by India and on the south (in another part), south west and west sides by Pakistan, and on the north (in another part) by Wakhun tongue of Afghanistan - 25 miles (minimum) to 40 miles (maximum) wide. Beyond Wakhun on the north lies the territory of Tajikistan. (Refer Map No.1)

In 1947 Kashmir State enveloped an area of 84471 sq. miles. During the uprising of the people against the last Dogra ruler and India, United Nations imposed cease-fire line in Kashmir in 1948 resulting in a conditional hold by India over 50513 sq.miles² (60%), with the following break-up:

(a) Ladakh	= 33740 sq.miles
(b) Kashmir Province ³	= 6893 sq.miles
(c) Jammu Province ⁴	= 9880 sq.miles

Balance area of 33958 sq.miles (40%), with the following break-up came under the Azad (Free) Kashmir Government's control.

(a) Gilgit and Baltistan	= 29814 sq.miles
(b) Muzaffarabad and Poonch Valley	= 4144 sq.miles

In 1962 War with India, China occupied about 1971 sq. miles from Indian-held Kashmir (IHK)⁵ at Aksai Chin and Demchok in Ladakh. Again about 1868 sq.miles at Shaksgam in Northern areas were conditionally taken over by China under an agreement with Pakistan in December 1962. Pending settlement of Kashmir issue through self-determination of the people, Pakistan has brought an area of 29814 sq.miles of Azad Kashmir (Gilgit and part of Baltistan) under her direct administrative control.

Without prejudice to the difference of opinion among the neighbouring countries of China, India and Pakistan in respect of the legal status of some parts of Ladakh and Gilgit, Kashmir (Map No.2) comprises of:

(1) Indus Valley region covering Ladakh, Zaskar, Baltistan, Skardu, Gilgit and Shin states of Yagistan.

This region is the largest in area covering 75 % of the total area of the State. It is highly mountainous and strategic but mostly denuded with less than 8% population of the State. Out of 11.6 million population (1991) only 0.884 million live in this region - 0.72 million in Gilgit and Baltistan part of Pakistan controlled Azad Kashmir (PCKA)⁶ and only 0.164 million in Indian and Chinese-held parts of Ladakh. Famous mountain peaks of K-2 (28250 ft.), Nanga parbat (26660 ft.), Gasherbrum (26483 ft.), Teram Kangri near Saichen glacier (26483 ft.), Masherbrum (25676 ft.), Dastagulsar (25861 ft.), Rakaposhi (25550 ft.), Kanjatsar (25459 ft.) and Sasarkangdi (25170 ft.) lie in Gilgit and around. Full of other mountain peaks, this area also contains Saichen glacier (46 miles), Batora glacier, Baltaro glacier, Biafo glacier and Hispar glacier - 36 miles long each. Khunzreb Pass lies here, through which the Silk Road connecting China with Pakistan across Hunza and Gilgit has been constructed from 1959 to 1978.

(2) Outer most areas of Ladakh consisting of upper regions of Qaragas river and Yargand river shown dotted in Map No.2. These areas are claimed by China as parts of its territory.

(3) Neelum (Kishen ganga) Valley region covering Guraiz and settlements down stream.

(4) Jhelum Valley region covering Kashmir Valley and Jhelum river basin downstream of Uri up to Muzaffarabad.

(5) Chinab Valley region covering Padar, Kishtwar, Bhaderwah, Doda, Ramban, up to upstream of Akhnoor.

(6) Small but populated valleys of Tawi and Manawar (tributaries of Chinab river) and Poonch tributary of river Jhelum.

(7) Plains of Jammu covering plains of Akhnoor, Jammu, Ranbir- singhpura, Samba and Kathua.

Before the Sikh rule of Maharaja Ranjit Singh, the geographical divisions of Kashmir stated as above, did not exist as one unit. Originally Ancient Kashmir (Refer Map No.3) extended across Pir Panchal range, but had no limits delineated in northern areas and Ladakh sides - most probably these areas were inaccessible and were at great heights, intermittently interspersed by glaciers and areas vulnerable to Siberian type of cold climate; which rendered such areas inhabitable and inaccessible. Ancient Kashmir consisted of various hill states and principalities which included Kashmir Valley, Jammu,

Riasi, Rajouri, Poonch, Kishtwar, Bhimber, Ramnagar, Ladakh, Baltistan, Gilgit, Hunza, Nagar and other states of Yagistan.

Kashmir has different terrain, different cultures and different languages. Whereas Leh district in Ladakh with a population of not more than two percent are of Tibet origin, the people living in Kashmir Valley, Kishtwar, Badherwah, Poonch, Rajouri, Kargil district of Ladakh, Gilgit, Baltistan, and other parts of Azad Kashmir have ethenical affinities with the people of Central Asia, more particularly with the people of Tajkistan and Uzbekistan. Besides ethenical affinities there appear similarities, in settlement patterns, some customs, some vocabulary, musical instruments, architecture, ancient literature, bordered skull caps etc., with the people of Samarkand, Bukhara and Tashkent. Heterogeneity in terrain, cultures and languages in Kashmir, has, however, to a large extent, been obviated by religious affinities of the people. It is well discernible that Muslims, Hindus and Buddhists feel secure with their co-religionists irrespective of their cultural and linguistic differences.

Population of Kashmir in 1941 was 4,021,616 with more than 80% Muslim and less than 20% Hindus and other communities. From 1947 to 1950 alien designs caused major out migration waves of Muslims from Indian Held Kashmir (IHK). Immigration of Hindus from Indian States in to IHK took place ever since India established its loose foot hold over there. As a result proportion of Muslims of the State as a whole decreased to 78%. In 1991 population of the whole State was, however, found to have grown to 11.6 million in 5 decades - 7.3 million (63%) population in IHK and 4.3 million (37%) in Azad Kashmir, Pakistan and other countries of the world.

NOTES.

1. Kashmir is universally known as a Country or State. Its official designation was changed during Dogra rule as Jammu and Kashmir. Therefore the double name Jammu and Kashmir connotes same meaning as Kashmir, wherever they appear in this book.
2. G.M.Mir 'Geographic Realities of Jammu Kashmir p-16
3. Kashmir Province is an administrative unit of Indian-held Kashmir. It covers Kashmir Valley.
4. Jammu Province is an administrative unit of Indian-held Kashmir.
5. IHK is an abbreviation for Indian-held Kashmir.
6. PCAK is an abbreviation for Pakistan controlled Azad Kashmir.

ON SIKH RULE IN JAMMU AND KASHMIR

Before Sikh rule, Jammu was a neighbouring state of Punjab. It was ruled by a local Rajput by name Raja Jit Singh. Adjoining hill states of Riasi, Rajouri, Poonch, Kishtwar, Bhimber and Ramnagar had the sovereignty of their local chieftains. Maharaja Ranjit Singh of Punjab, while extending his rule towards these hill states first invaded Jammu in 1808, but was defeated. After the expiry of Raja Jit Singh, this covetous and avaricious king of the Sikh state attacked, under the command of one Gulab Singh Dogra, the principalities of Jammu and adjoining hill states and defeated their chieftains one after the other.

In Ancient Kashmir, Afghans had replaced Mughals in 1752. During their rule of 67 years there had grown hatred and resentment among the microscopic minority of Hindu community of Kashmir against the Afghans, albeit according to William Moorcraft, Kashmiri Hindus held sway over the administration from Kabul to Kashmir during Afghan rule. They, however, believed that Sikh religion was an offshoot of Hinduism; and the Hindu minority would enjoy more patronage and protection of Sikhs if they ruled instead of Afghans. A group of malcontents headed by Birbal Dhar, therefore induced Maharaja Ranjit Singh to invade and annex Kashmir with his fast expanding Sikh empire. Ranjit Singh succeeded in his venture with the help of these malcontents and captured Kashmir in 1819.

As a reward for his help and intrigue with the Sikh kingdom, Birbal Dhar was kept in charge of collection of revenues - a prize post of those times. In the capacity of the Revenue Collector he could impose taxes of any sort and fleece the Muslim populace at his will and pleasure. When this notable Kashmiri Hindu established his strong foothold in the administration and amassed wealth, his mischievous activities came to the surface. He was dismissed by the Sikh Governor of Kashmir on charges of hatching an intrigue with the chiefs of the hill districts. After some time, however, when that Sikh Governor was replaced by another by the Sikh Government of Punjab, Birbal Dhar found favour with him and got himself re-appointed to his original position; but his activities were kept under close surveillance by the Sikh Governor. He soon found Birbal Dhar again amassing wealth by illegal means and malpractice. His property was therefore confiscated and was kept behind the bars where ultimately he died as a prisoner.

Sikhs were as alien to Kashmiri people as Afghans and Mughal rulers of the past. "As to the Sikhs, they were

but a band of conquerors dominating subject peoples..."¹ There, however, lay a marked difference in the religious and cultural attributes of Sikhs, Pathans and Mughals, which factor has prevailed in the minds of the people in the sub-continent as a whole. "In Indian history, the Moghal appears on the whole a civilizer, but he was not able to raise that fine flower of civilization which we call a nation. At times he succeeded in combining the conquered against him, but he never brought about real unity. Sikhs, Marathas, Rajputs, his own Musalmans, led by revolting lieutenants, rose against him, separately or in combination; but not one of them spoke in the name of what we should now style independence or patriotism; none was able to constitute a nationality."²

In the early stage of their rule, Sikhs acted brutally in Kashmir and left bitter memories. On taking over the control of Kashmir in their hands, they closed the gates of Jamia Masjid - a replica of Jamia Masjid of Delhi - a monumental structure with towers commanding the view of entire Srinagar city and enveloping a huge space for congregation of Muslims. Khankahi Mualla shrine in Srinagar was also occupied by Sikhs and a sacred relic - a column believed to be that of Prophet Mohammed's (S.A.W) tent, was broken in to two. "The Sikh commander (Phula Singh) ...declared several other mosques, like Pather Masjid (a picturesque Mosque built by Noor Jehan, the wife of Jahangir on the bank of river Jhelum in Srinagar) as the property of the State. Cow slaughter was declared a crime punishable by death."³ "Any Muslim who was known to have knifed the animal even it be his own, was hanged or stoned to death."⁴

The discrimination between Muslims and Kashmiri Hindus was manifest in its worst form in their policy of governing Kashmir. The murder of a native by a Sikh was punished by a fine of sixteen to twenty rupees, of which four rupees were paid to the family of the deceased if a Hindu, two rupees if he was a Muslim.

This sort of misgovernment in Kashmir by Sikhs had obvious repercussions. There was non-cooperation from the majority community on account of hatred that grew among those who were susceptible to their tyrannical rule. This factor kept the agitated mood of Muslims simmering against the Sikh rule and compelled the Sikh Durbar to appoint as many as ten number Governors one after the other in a short span of 23 years of their rule over Kashmir (1819 to 1842).

With the death of Maharaja Ranjit Singh in 1839 there ensued a tussle for capturing the throne which resulted,

among other things, in the murderous assaults inter-se, and a wide spread anarchy and uncertainty in the entire Sikh empire. The people in Kashmir rose in rebellion against the alien Sikh rule in 1842. Before that incipient rebellion could become unmanageable, it was cooled down by a tacit move of appointing a Muslim Governor. He adopted an appeasement policy all through, which helped him to remain at the helm of affairs in Kashmir till his death in April 1846. "To win the good will of Kashmiris, that Muslim Governor opened Jamia Masjid at Srinagar, gates of which had been closed by his predecessor in 1819. He also restored the jagirs and cash grants to scholars, poets, mendicants and religious leaders. He also ordered the sale of Government grains at reduced prices..."⁵

It appears that during the Sikh rule in Kashmir, the microscopic minority of Kashmiri Hindus wielded high influence over the politic that the Muslim Governor repaired the temple and installed a new lingam in that temple on the top of the hill of Takhti Sulaiman in Srinagar

REERENCES

1. Joseph Chailley, 'Problems of British India', p-50.
2. Ibid.
3. P.N.K. Bamzai, 'A History of Kashmir', p-611.
4. P.N. Bazaz, 'Kashmir in Crucible', pp-9,10.
5. Bamzai, op.cit.,p.620.

HISTORIC ROLE OF DOGRA TRIO

The Dogra Trio (the three Dogra brothers), Gulab Singh, Dhyani Singh and Suchet Singh contributed to a large extent in building a vast empire of Maharaja Ranjit Singh from across Sutlej river to Russian Turkistan. They hailed from Jammu region, entered the service of Maharaja Ranjit Singh in their teens and rose from lowest echelons to the highest positions of commanders, courtiers and Ministers in the Sikh Durbar. Their role, in disturbing peace in and outside the territories of Jammu and Kashmir, in bringing about the downfall of the Sikh Kingdom, in breaking the Sikh empire in to pieces and in grabbing large parts of this empire by overt and tacit means is of an exemplary nature; which merits a deep study in order to understand, in a wider perspective, as to what extent the history of Jammu and Kashmir, in its immediate retrospect, was responsible for creation of the ugly dispute of Kashmir in the Indian sub-continent.

Gulab Singh, Dhyani Singh and Suchet Singh - the personal attendants of the Maharaja started from a scratch and by dint of their aptitude and other qualities reminiscent with the predilections of Maharaja Ranjit Singh, they rose to the highest positions in the Sikh Kingdom.

In recognition of their loyalty and valour, that the Dogra brothers had shown in various campaigns and wars, they were granted on "PUTTA"¹, by Maharaja Ranjit Singh, vast tracts of land in Jammu Region as fief. This Putta was published later by the Chief Minister of Gulab Singh in Gulab Nama in persian.

Assuming that the contents of the said document were not tailored to the likes of the then ruler of Jammu by his Prime Minister Kirpa Ram, it transpires that:

(1) Maharaja Ranjit Singh had, out of his free will ceded part of his territory in favour of the Dogra brothers.

(2) Gulab Singh Dogra had been awarded Jammu Chakla along with the emblem of rulership. By virtue of that fact Gulab Singh Dogra could genuinely claim to be a sovereign head of Jammu Chakla.

(3) Bhimber, Chitral, Poonch and Ramnagar were awarded to another Dogra brother, but these areas did not constitute any sovereign principality; for the right to rule over these areas is not shown conferred under this Putta or any other known deed.

De-facto position in respect of Gulab Singh Dogra, however, was that he ruled Jammu Chakla from 1822 A.D. onwards and continued to remain as feudatory of the Sikh Kingdom as well. "Dhyan Singh became an influential Minister and in 1827 he was made Raja of Poonch while Suchet Singh and Hira Singh, the son of Dhyan Singh became respectively Rajas of Bhandralta and Jasrota...and in 1844 (5 years after Ranjit Singh's death), on the death of his brother Suchet Singh without issue, he (Gulab Singh Dogra) appropriated the principality of Bhandralta."²

All the three Dogra brothers continued to contribute their valour, ingenuity and loyalty with more fervour than before in all expeditions, campaigns and wars that were carried out by the Sikh Government after they were granted fiefs and favours of different kinds. Ladakh and Baltistan were subdued by them on behalf of the Sikh Government in 1833.

This sort of loyal and subjective role of the Dogra Trio only lasted till Maharaja Ranjit Singh was alive. After his death in 1839, the same three Dogra brothers who had helped the Sikh Durbar for over two decades in building their empire from Sutlej river to Russian Turkistan, acted derogatory to the Sikh Government and in complete violation of the conditions of loyalty, service and submission laid down by the deceased Sikh ruler in their Putta of fiefs.

Role of Dogra Trio in extermination process and dismemberment of the Sikh Kingdom was worst of its kind in the history of Indian sub-continent. With the death of Maharaja Ranjit Singh, his son Kharak Singh succeeded as ruler, and Raja Dhyan Singh assumed his duties as the Chief Minister of Sikh state. The British Government in India sent a despatch of condolence and assured the new ruler of their support. The Governor General also, by a separate despatch, granted the title of "Enlightened Minister, the Head of Administration to Raja Dhyan Singh"³, who soon helped the British in obtaining the consent of Maharaja Kharak Singh for the passage of their troops through the Sikh territory to attack the Afghan Government at Kabul.

This was a time when there were "a host of rulers in the country, whose sole concern was to promote their personal interests, without bothering about what was happening to the rest of the country. Thus the British never had to face combination of rulers. They took them on one by one, decisively beating each in turn. The Mysore rulers, the Marathas, the Amirs of Sindh, the Goekhas and the Sikhs

were all dealt with in that manner."⁴

British had strengthened its hold in some parts of India from Bengal in the east to eastern borders of Punjab in the west. Mughal Empire had declined. The British Government was all out to destroy the remnants of native rule in India, but the Sikh Government was formidable. An agreement named as the Treaty of Amity and Concord had therefore been concluded by the British with the Sikh state in 1809. Over a period of three decades they had gained sufficient experience in toppling over the native rule in many a state in India by a multi-prong method - creating a situation mainly by intrigues and using that situation to achieve their objectives.

With the death of Maharaja Ranjit Singh, the time was ripe for the conspiracy by which a situation could be caused in the Sikh State and the British Government could intervene. Without causing a situation they could not make a leap forward; for they had signed the Treaty of Amity and Concord with the Sikh State, when the latter was more powerful than the British Government in India. Some pretext was needed to eschew the obligations of that treaty. So the machinations of internal split in the Sikh State were soon set in.

Maharaja Kharak Singh soon suspected his Prime Minister Dhyani Singh Dogra of conspiracy. They came to loggerheads with each other. Dhyani Singh "conspired with the crown prince Naonihal Singh to take upon himself the duties of the ruler. A secret meeting was held on 23 Asuj 1896 (Bikrimi) ...at the palace of the Crown Prince, where on oath the conspirators promised to take the side of the Crown Prince. They decided to murder Sardar Jit Singh, who was the leader of the opposite party, which was working under the patronage of the King... The Crown Prince led his forces to the fort which was encircled and Suchet Singh Dogra and Prince Naonihal Singh entered the palace of the Maharaja to effect a coup d'etat. They came to the Maharaja in his inner chambers and encircled him with naked daggers ... the Maharaja wailed and wept and requested that he might be spared. Sardar Jit Singh was caught and cut to pieces in the presence of the Maharaja. Naonihal Singh now took the reins of the Government in his own hands with Raja Dhyani Singh as his preceptor... Henceforth the Maharaja (Kharak Singh) remained confined in the palace virtually as a captive, till his death on Nov.5, 1840 due to poison."⁵ "But as the Crown Prince was returning from his father's funeral he passed under a covered gateway of the fort and was fatally injured. The death of Naonihal Singh was a pre-meditated machination of Dhyani Singh."⁶

"Raja Dhyan Singh concealed the news of his death and informed Henry Lawrence, the British agent at Ferozepore. The corpse of late Crown Prince remained in a secret chamber for three days and it was cremated on Nov:8, 1840 after the arrival of Prince Sher Singh, who was a putative son of Maharaja Ranjit Singh."⁷

Sher Singh was proclaimed as the King of the Sikh State in January 1841. Chand Kour the mother of late Crown Prince claimed accession to the throne. She was given a fief under the protection of Gulab Singh Dogra. "Her personal property, which consisted of 500 bags of gold, 16 carriages full of silver, jewels and precious stones, ornaments and other articles, was entrusted to Raja Gulab Singh who usurped all this wealth. In June 1842, Chand Kour was beaten to death."⁸

In quick and successive elimination of Maharaja Kharak Singh, his son Naonihal Singh and his wife Maharani Chand Kour from the scene, and in surreptitious installation of Sher Singh on the throne of the Sikh State, the pro-Khalsa element of the Sikh Durbar suspected a plot for de-stabilization and dismemberment of the Sikh State. The Dogra brothers, besides being involved in the intrigue, were also non-Sikhs per-se. Their elimination along the surreptitiously installed King, in the opinion of Pro-Khalsa element would help change the atmosphere of turmoil and chaos that had swept the Sikh Government after the death of Maharaja Ranjit Singh. Thus the pro-Khalsa group of Sikh chiefs led by Ajit Singh succeeded in causing a double murder of the new sovereign (Sher Singh) and his Chief Minister Dhyan Singh Dogra. "While reviewing troops he (Sher Singh) was shot dead by a scion of the family of Sindhanwalias related to Rani Chand Kour. Raja Dhyan Singh and Suchet Singh (the two Dogra brothers) were also killed and so was the boy-prince Partap Singh, the son of Maharaja Sher Singh.

Prince Dalip Singh, a child of nine years, and a reputed son of Ranjit Singh, born of the Rani Jindan, was now placed on the throne. The child King was only a titular Maharaja, whereas Rani Jindan wielded real power."⁹

Even after the elimination of Dhyan Singh Dogra and Suchet Singh Dogra from the Sikh Durbar, elder son of the former, Hira Singh Dogra managed to stage back and assume the charge of the Chief Minister through malpractice and conspiracy. The Dogra element thus survived the death blow of anti-British and anti-Dogra lobby of the Sikh Durbar at least for some time more. Rani Jindan - the Regent of the Sikh State was, however, suspicious about the aims and bonafides of the Dogra element in her

Government. "Her chief aim was to secure the throne for her son and face the designs of the British. She succeeded in effecting a revolution through anti-Dogra faction of her Government which resulted in the death of Hira Singh."¹⁰

Thus there remained indomitable Gulab Singh Dogra with a stronger determination than before, to accelerate the extermination process of the Sikh State. Situation was therefore fast developing in favour of British intervention and a leap forward. "Raja Gulab Singh Dogra used the good offices of Bhai Ram Singh, one of the powerful pillars of the British lobby, who called for the English News writer at Lahore. "Through the English News writer, Bhai Ram Singh again informed the British on January 21, 1845 that Raja Gulab Singh was ready to furnish a written agreement 'stipulating in return for our aid to cede the possession of the Lahore Government on the south side of the Sutledge, and other limited territory on the north of Sutledge and fifty lacs of Rupees."¹¹

Writing to the Duke of Wellington, the Governor General, Lord Ellenborough, expected the dismemberment of the Sikh Kingdom, when he said, "the time can not be very distant when the Punjab will fall in our management, and the question will be what we shall do as respect to the hills."¹²

In an on-going process of the intrigue against Sikh Kingdom, the pro-British faction ..."prepared a scheme, with Raja Gulab Singh pulling strings in the background, for the murder of the Rani (Regent) with her son (infant King) ...that they would set up Peshora Singh and Raja Gulab Singh as King and Vizier."¹³

This sort of a scheme had stakes, The British Government in India could not ordinarily send any aid to the malcontents of the Sikh Durbar in contravention of the Treaty of Amity and Concord. Again the pro-British lobby in the Sikh Government including Gulab Singh Dogra and Bhai Ram Singh were conscious of the fate of Dhyani Singh Dogra who had been murdered in the recent past for a similar sort of action. Therefore an alternative scheme was devised which included, inter alia, unprovoked infiltration of Sikh troops in the British territory and involvement of Sikh army commanders like Tej Singh and Lal Singh in the plot. "The intriguers (thus) raised the bogey of the British occupation of the Cis-Sutlej territories of the Sikh Kingdom",¹⁴ and incited the troops to fight the British. In spite of Maharani's (Regent's) resentment for such a sort of action, they made her to yield to their suggestion of military action

against the British.

Burlesqued as war heroes, the two Sikh army generals Tej Singh and Lal Singh crossed the Sutlej river with their troops on December 11, 1845. They were engaged in the battle with the British forces at Sobraon on February 15, 1846. No sooner did the battle commence, the two intriguer Sikh Generals Tej Singh and Lal Singh fled from the battle field. That sort of an action set in a tremour in the ranks of the Sikh army and resulted, inter alia, in their disheartenment per-se and discord inter-se. Still they fought desperately in the deep rooted atmosphere of treachery and were ultimately defeated.

Under the provisions of the Putta of 1822, Gulab Singh Dogra was bound to serve the Sikh Government in the event of war and/or campaign, and send his troops in aid and fight shoulder to shoulder with the Sikh army against their enemy. In violation of the conditions of loyalty and humble service laid down in his Putta by the Sikh Government, Gulab Singh Dogra, in flagrant refusal of the fulfillment of his obligations, acted, instead, in clandestine collaboration with the British Government, against that very Sikh Government which had raised him from the cavalry to the throne of Jammu Chakla. Thus he pretended having gone on a pilgrimage on this occasion. The Sikh army had crossed Sutlej river in December 1845 and faced the British forces at Sobraon after two months in February 1846. Could it be possible for the ruler of Jammu to have remained away on a pilgrimage for so long a time on this occasion? He had in fact clandestinely become an ally of the British Government long back. "It is undoubtedly true that Gulab Singh had been for years trying to cultivate the British, because he foresaw attainment of his cherished aim in their rising power. He was in secret correspondence with them and the British Agent at Ferozepore."¹⁵

"...the Governor General in his despatches to the Secret Committee had hinted that he intended to do something for Gulab Singh."¹⁶ "He was assured of the British support and was given secret promises through his agent, Anant Ram. When the bargain was settled, he received the following note from Sir Henry Lawrence:

Raja Sahib, Dear friend,

Receive my regards and let it be known to you that I want to say a word which will be to your utmost good. So, I hope, you will manage to hear it personally. Do this please and do it without delay. I

hope you will remember me with your friendly letter.

Henry Lawrence¹⁷

IT IS HERE THAT THE UGLY ORIGIN OF THE KASHMIR PROBLEM CAME IN THE OFFING IN ITS HISTORY. THE DRAGON OF SLAVERY WAS DUE TO APPEAR ON THE POLITICAL HORIZON OF KASHMIR IN AN UNPRECEDENTED FORM.

REFERENCES

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4. Lt. Gen. S.K.Sinha, 'Article in Indian Express, 14 September 1987.
5. Baharistan, quoted in "Tarikhi Rajgan", p-143.
6. Smith, 'A History of Reigning family of Lahore', pp-34,37.
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TREATY OF LAHORE IS ILLEGITIMATE

Immediately after the military debacle of the Sikh Government at Sobraon, Gulab Singh appeared in the Sikh Durbar as a mediator, for he had not obliterated the British overtly or tacitly. Lord Hardinge, Governor General of the British India was, on the other side, eagerly awaiting his cat's paw to settle the peace terms compatible with the aims and objectives of the British Government.

Thus the fake and baseless deeds were formulated first by the two clandestine allies, Gulab Singh Dogra and the British Government in their own interest and their decision was tacitly dictated upon the defeated Sikh Government of the Punjab.

So long as the Kashmir problem is existing, the Treaty of Lahore and the Treaty of Amritsar drawn in March 1846 shall remain of more than academic interest to the independent observers, who might like to enquire whether the sovereignty of Kashmir State during the operation of these treaties was legitimate or otherwise. "The transfer of Kashmir to Raja Gulab Singh Dogra by the British Government needs to be viewed in a proper historical perspective, for it was a sequel to the Treaty of Lahore."¹ With the idea to understand the prelude of Kashmir Problem of early 19th century, the Treaty of Lahore (Annexure-1) is commented upon as follows:

(1) Any treaty or agreement concluded with the position of strength on one side should, without exception, be deemed as biased and illegitimate. Governor General of the British is on record having stated before concluding the Treaty of Lahore that "the Maharaja must himself present the key of Govindgarh and Lahore, where the terms must be dictated and signed."² Treaties which the British Government concluded with the position of strength with various Chiefs and Princes, as also various laws that they introduced during their rule in erstwhile India and other Common Wealth countries must be, without any exception, biased, vague and tailored to British interests. This is a natural phenomenon so long as the jungle rule 'Might is Right' continues to govern the international relations in the world.

(2) Whereas the Treaty of Lahore has been concluded between the Governor General of British India on one part and an Infant King of the Sikh State, Maharaja Dalip Singh on the other, the latter was represented by Lal Singh, Tej Singh and Bhai Ram Singh like malcontents, whose pro-British and dubious roles in the drama of

disintegration of the Sikh State have been described here-to-fore. Under the norms of a sovereign state and/or hereditary rule of an independent state, a minor Maharaja could only be represented by Maharani Jindan, who was a well established Regent of the Sikh State and conducted the affairs of the Sikh Government on behalf of the infant Maharaja. In existence of an established Regent in a sovereign state other self made representatives had *prima-facie* no *locus standii*. Therefore there exists a *lacunae* at the very base of the said treaty and tantamounts to concoction and treachery.

(3) Bhai Ram Singh, as stated heretofore, had informed only one month before the Anglo-Sikh war of Sobraon that Gulab Singh Dogra was prepared to offer to the British, the territory south of Sutlej and an amount of Rupees fifty lacs, in return to their aid against the Sikh Government. Exactions made under Article No.2 read with Article No.5 of the treaty corroborate with the Gulab Singh's early offer. Only the pretext of exaction has changed. Does this not amply establish a conspiracy, an early understanding and hatching of a plot by the British Government in collaboration with Gulab Singh Dogra, Bhai Ram Singh and other untrustworthy and perfidious members of the Punjab Government?

(4) Article 4 of the treaty specifies cession of territories situated between the rivers of Beas and Indus including the provinces of Kashmir and Hazara in lieu of the indemnity imposed. After any war or in the event of such conflicts between any two Governments, such exactions are normal; but here a question arises as to how the two alien Governments could include the territory in this treaty which did not belong to either. Jammu Chakla included in the territories ceded under this article, had already ceded from the Sikh State in 1822 in favour of Gulab Singh Dogra and he had not waged any war or taken part in Sobraon war against the British. Sir Henry Hardinge is on record having admitted that the hill tracts of Jammu were possessed by Gulab Singh Dogra at that time. In his letter to Lord Ellinborough, Lord Hardinge wrote: "that despite the fact that Maharani Jind Kour (the Regent) had ordered him to bring his troops to her aid, Raja Gulab Singh sent evasive answers and purposely kept aloof."³ How could then Gulab Singh's small state "Jammu Chakla" fall in the ceded territory under Article 4 of the Treaty of Lahore? This leads one to understand that this sort of article in the treaty is either paradoxical and fraudulent in character, or that the Putta (Document) under which Jammu Chakla is stated to have been granted to Gulab Singh Dogra in 1822 by Maharaja Ranjit Singh along with the emblem of rulership

was a concocted document published by Gulab Singh Dogra through his Prime Minister Kirpa Ram for some ulterior motives described here-in-after.

If the Putta, for the moment, is deemed to be a concocted document, Gulab Singh Dogra in that case possessed Jammu Chakla in the capacity of a feudatory and not as a sovereign head with the emblem of rulership. This fact makes a vast difference and is of paramount significance in our discussions. As a feudatory he was a subject of the Sikh State and had full responsibility to come to the aid of the Sikh Government and obey the orders of Maharani Jind Kour - the Regent, which he avoided. This establishes the fact that the reward that was promised to him by the British under the Lahore treaty had so void a basis that it can not stand the norms of justice and human behaviour of any civilized nation. The reward by the British to a mediator is nothing but naked corruption and treachery worst confounded.

(5) "...the most novel feature of the Lahore Treaty was its clause 12, by which the infant Maharaja agreed to recognize Raja Gulab Singh as a sovereign of such territories as may be made over to him in consideration of his services. This clearly reveals the designs of the British Government in India and amply proves the existence of an early understanding between Raja Gulab Singh and the British..."⁴ Robert Thorp in his book, 'Kashmir Mis-government', rightly argues that "...Any agreement forced upon or executed by an infant is null and void in law." This sort of an argument gains substantial strength when it is viewed from another angle that the infant King was represented in this treaty by the persons other than the Regent of the Sikh State. Brazen faced corrupt practices are manifest in this clause of the treaty in the fact that Gulab Singh, the plenipotentiary of the Sikh State is promised of the reward by the British Government under a separate treaty.

Thus under this shady and illegitimate deed, the Sikh State was disintegrated and dismembered. Lord Hardinge in his letter dated Oct. 23, 1847 addressed to Henry Lawrence later claimed: "...by the Treaty of Lahore, March 1846... the Chief of the State can neither make war, nor peace, nor exchange, nor sell an acre of territory, nor admit a European officer, nor refuse us a thoroughfare through its territories, nor in fact perform any act without our permission. In fact the native prince is in fetters, and under our protection, and must do our bidding."⁵

REFERENCES

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2. Ibid. pp-122,23.
3. P.M.Hussain, 'British Policy Towards Kashmir', p-18.
4. Aitchison, 'Treaties, Engagements and Sanads', Appendix II.
5. Edwards and Merivale, 'Life of Sir Henry Lawrence', pp-100,102

TREATY OF AMRITSAR IS VITALLY DEFICIENT.

The British after having achieved the chief objective of dismemberment of the powerful Sikh State of north India dictated terms and conditions to Gulab Singh Dogra in accordance with the policy articulated by Governor General of the British India in his letter dated 14th. March 1846 to the Secret Committee. Among other things it stated:

"It is not my intention to take possession of the whole (ceded) territory. Its occupation by us would be, on many accounts, disadvantageous. It would bring us in to collision with many powerful Chiefs, for whose coercion a large military establishment at a great distance from our provinces and military resources would be necessary. It would more than double the extent of our present frontiers in countries assailable at every point, and most difficult to defend without any corresponding advantage for such large addition to territory. Now, distant and conflicting interests would be created, and races of people, with whom we have hitherto had no intercourse, would be brought under one rule, while the territories excepting Kashmir, are comparative, and would scarcely pay the expenses of occupation and management... On the other hand, the tract now ceded includes the whole of the Hill possessions of Raja Gulab Singh and the Jammu family. Its possession by us enables us at once to mark our sense of Raja Gulab Singh's conduct during the late operations, by rewarding him in the mode most in accordance with (his) desires, to show forth an example to the other Chiefs of Asia the benefits which accrue from an adherence to British interests... Raja Gulab Singh had agreed to pay the crore of rupees demanded from the Lahore State, on being put by us in possession of the territory ceded by the 4th Article of the draft treaty, on such terms and conditions, as we may approve... It is highly expedient that the trans-Beas portion of Kulu and Mandi, with the more fertile district and the strong position of Nurpur and the celebrated Fort Kangra, the key of Himalayas in native estimation - with its district and dependencies, should be in our possession... In consideration of the restoration by us of the tract above described, a remission of twenty five lakhs from the crore of rupees, which Raja Gulab Singh would otherwise have paid will be allowed, and the Raja will pay the remaining seventy five lakhs..."¹

From the contents of the above said policy letter of the Governor General of British India, noteworthy is his brazen faced admission that the reward to be given to Gulab Singh under the Treaty of Amritsar was in recogni-

tion of his conduct in the British operation against the Sikh Government and for his adherence to British interests. The Governor General also desired that this sort of reward should be an eye opener for and temptation to other Chiefs in Asia that they follow suit. In other words it meant that other Chiefs in Asia should display a conduct as that of Gulab Singh in destroying and extermination of their native rule and in fact their own peoples. This sort of approach has always been adopted in the past by all powerful nations with marginal exceptions, and it shall always continue to appear in one form or the other at all times in all parts of the world where national/regional disparities remain perceptible and human behaviour polluted.

Other important points which emerge from this policy letter are:

(1) Fertile Districts of the ceded territories lying close to British provinces were to be retained by the British.

(2) Occupation of non-lucrative mountainous territory was deemed disadvantageous for the British particularly for reasons of their maintenance.

(3) Defence arrangements of such a large frontier would not only be difficult for them but also heavily costly. The objective of defence of this long frontier adjoining Russia, China and Afghanistan could be achieved by involving the troops of their trusted ally Gulab Singh Dogra. Strong vigil over his mode of conduct and on the trans-Himalayan frontiers was however important. That could be achieved by laying such conditions in the treaty.

(4) "The Governor General desired not only to chastise the Sikhs for their past deeds but also to overawe them for the future. At the same time, he thought of planting Gulab Singh as an ally of the British in the rear of the Sikhs, so as to stab them in the back."²

This policy did not, however, develop suddenly after Sobraon war, but was a part of the plot hatched well before its commencement. Governor General, it may be recalled, had much earlier stated that: "the time can not be very distant when the Punjab will fall in to our management and the question will be what we shall do as respect to the hills."³

Treaty between British Government, and Maharaja Golab Sing, concluded at Amritsar on the 16th March, 1846.

Treaty between the British Government on the one part and Maharaja Golab Sing of Jummoo on the other - concluded on the part of British Government by Frederick Currie Esquire, and Brevet Major Henry Montgomery Lawrence acting under the orders of the Right Honourable Sir Henry Hardinge G.C.B., one of Her Majesty's most Honourable Privy Council, Governor General, appointed by the Honourable Company to direct and control all their affairs in the East Indies, and by Maharaja Golab Sing in person.

Article I

The British Government transfers and makes over for ever, in independent possession to Maharaja Golab Sing and the heirs male of his body, all the hilly or mountainous country, with its dependencies, situated to the eastward of the river Indus, and westward of River Ravee, including Chumba and excluding Lahul, being part of the territories ceded to the British Government by the Lahore State, according to the provisions of the article IV of the treaty of Lahore dated 9th March, 1846.

Article II

The Eastern boundary of the tract transferred by the foregoing article to Maharaja Golab Sing, shall be laid down by Commissioners appointed by the British Government and Maharaja Golab Sing respectively for that purpose, and shall be defined in a separate engagement after survey.

Article III

In consideration of the transfer made to him and his heirs, in the provisions of the foregoing article, Maharaja Golab Sing, will pay to the British Government the sum of seventy-five lacs of Rupees (Nanuk Shahee), fifty lacs, to be paid on ratification of this treaty and twenty-five lacs on or before the 1st October of the current year A.D. 1846.

Article IV

The limits of the territories of Maharaja Golab Sing shall not be, at any time, changed without the concurrence of the British Government.

Article V

Maharaja Golab Sing will refer to the arbitration of the British Government any disputes or questions that may arise between himself and the Government of Lahore or any other neighbouring state, and will abide by the decision

of the British Government.

Article VI

Maharaja Golab Sing engages for himself and heirs to join with the whole of his military force, the British troops when employed within the hills or in the territories adjoining his possessions.

Article VII

Maharaja Golab Sing engages never to take, or retain in his service, any British subject - nor the subject of any European or American state - without the consent of the British Government.

Article VIII

Maharaja Golab Sing engages to respect, in regard to the territory transferred to him, the provisions of Articles V, VI and VII of the separate engagement between the British Government and the Lahore Durbar dated the March 11th 1846.

Article IX

The British Government will give its aid to Maharaja Golab Sing in protecting his territories from external enemies.

Article X

Maharaja Golab Sing acknowledges the supremacy of the British Government, and will in token of such supremacy, present annually to the British Government one horse, twelve perfect shawl goats of approved breed (six male and six female), and three pairs of Cashmere shawls.

This treaty of ten articles, has been this day settled by Frederick Currie, Esquire, Brevet Major Henry Montgomery Lawrence acting under the directions of the Right Honourable Sir Henry Hardinge, Governor General on the part of the British Government, and by Maharaja Golab Sing in Person, and the said treaty has been this day ratified by the seal of the Right Honourable sir Hardinge G.C.B. Governor General.

Done at Umritsar this 16th day of March in the year of Our Lord 1846, corresponding with the 17th of Rabbee-ool-awal 1261 Hijree.

Signed
 H. Hardinge I.S.
 Maharaja Golab Sing
 Frederick Currie
 H. Montgomery Lawrence

In order to comment upon the Treaty Of Amritsar with an open mind, it is deemed expedient first to place before the reader the views of other personalities of different shades.

Robert Thorp is the first Britisher to have openly declared:

(i) "For purposes entirely selfish, we deliberately sold millions of human beings in to absolute power of one of the meanest, most voracious, cruel and unprincipled of men that ever sat upon a throne...The British Government committed an act of gross injustice in forcing the rule of Gulab Singh upon a reluctant people."

(ii) The sale of Kashmir and its people to the Dogra family of Jammu by the British, shall ever remain a black blot on their character and integrity. Posterity shall never pardon the then British rulers of India for selling a nation for some pieces of silver. The Kashmiris would not like England and its people to be sold to some one for a price." (Robert Thorp, Kashmir Mis-government, page 17)

(2) "For seventy five lacs of rupees, the unfortunate Kashmiris were handed over to the tender mercies of the most thorough ruffian that ever was created - a villain from a kingdom down to half penny." (Knight quoted in Ibid, p-40)

(3) "It is clear that Kashmir was a reward to the traitor for his perfidy and Gulab Singh was the only man to whom it could well be handed over." (Cambridge History of India, Vol.V, p-552)

(4) "Their fields, their crops, their streams
 Even the peasants in the Vale
 They sold, they sold all, alas!
 How cheap was the sale." (Sir Dr. Mohmad Iqbal)

(5) "...There are numerous books available in various libraries in India and England, which reveal facts about the disgraceful transaction relating to the sale of Kashmir. Is it not a fact that not only the Sikh Kingdom of the Punjab was destroyed through treachery, but the State of Jammu and Kashmir was obtained through sale,

resulting in the slavery of Northern India." (Sardar Budh Singh, Jagir Shahi Post-mortem.)

(6) "The treaty consisting of ten articles makes no mention what so ever of the rights, interests or the future of the people." (Prem Nath Bazaz - a journalist)

(7) "The transfer of Kashmir to Raja Gulab Singh needs to be viewed in a proper historical perspective, for it was a sequel to the Treaty of Lahore. It is not merely a commercial transaction but something more than that, because the British had decided to "reward the forbearance of Goolab Singh, because this was in accordance with an intended policy." (Life of Lord Hardinge, Oxford 1891, p-113)

(8) "It is a controversial point as to whether any amount was actually paid and adjusted in the books of the East India Company or that it was simply an eye wash for the world. There is no authentic receipt available, except one piece of paper purported to be a rough draft, found in the railway records of the Punjab Government Record Office, Lahore." (G.M.D.Sofi, Kashmir Vol:1 See Appendix III)

(9) "According to Art. 3 of the Treaty of Amritsar, Gulab Singh had to pay seventy five lakhs of rupees in two installments - one of fifty lakhs on the ratification of the treaty and the other of twenty five lakhs on or before October 1, 1846. But this rough draft of receipt says that the total amount has been received between the date of the treaty and March 14, 1850. The East India Company was a Commercial Organisation and as such all amounts paid or received were accounted for in its registers. There is no register bearing the entry of One Crore or Seventy five lakhs of rupees any where... This shows that the transfer of Kashmir was a shadowy deal in which no cash transaction took place. It was simply a political gift and for political reasons. The British desired to curb the revolting spirit of hilly Chiefs as well as check any aggression from the 'Chinese, Gurkhas and Afghans' and this could easily be done by keeping their tested and trusted ally in the north of India." (Hassan F.M., British Policy Towards Kashmir, p-17)

(10) "Liaquat Ali Khan, the first Prime Minister of Pakistan in a broadcast on 4th November 1947 laid stress on the 'immoral and illegal ownership of Kashmir resulting from infamous Amritsar Treaty of 1846" (V.P.Menon, The Story of Integration of Indian States, p-387)

(11) Henry Lawrence, the main draftsman of the Amritsar

Treaty too later denounced this Treaty as a wicked deed.

Let us now examine the Treaty of Amritsar ab initio.

(1) Clause IV of the Treaty of Lahore read with Clause 1 of the Treaty of Amritsar reveals that the latter treaty is a sequel of the former. Then again there are sequels that have followed over a period of more than one century in Jammu and Kashmir. Therefore it is imperative in the first instance to understand the Kashmir problem from grass roots and go through the facts of the case, weigh and verify the facts revealed in this book and determine whether the Treaty of Lahore could be treated as legitimate. If it is proved to be otherwise, as contended here-in-before, it needs to be determined whether its sequel - the Treaty of Amritsar or the successive sequel thereof viz. so-called accession by Maharaja of Kashmir with India, could be treated as legitimate.

(2) Under clause IV of the Treaty of Lahore dated 9th March 1846, Jammu as a whole ceded to British Government as part of the hilly and mountainous country lying between Beas river and the Indus. Governor General of British India in his letter dated 14th March 1846 clarified this point to the Secret Committee when he wrote: "...the tract now ceded includes the hill possessions of Raja Gulab Singh and the Jammu family."⁴ This is further proved by the fact that the area transferred back to Gulab Singh under clause 1 of the Treaty of Amritsar was delineated as "all the hilly or mountainous country with its dependencies situated to the eastward of the River Indus and westward of the River Ravi including Chamba and excluding Lahul, being part of the territories ceded to the British Government by the Lahore State." Jammu stands obviously included in this transaction (Map No.4). It is very interesting to note from this Map that the present limits of the State under dispute are altogether different than those stated as above.

However, Gulab Singh, whether he was a Raja of Jammu or a feudatory or both, was first reduced to non-entity on 9th March 1846 by virtue of clause IV of the Treaty of Lahore. Could he therefore assume the status of Maharaja of the ceded territory (Jammu) and become party as such in the Treaty of Amritsar after having been deprived of his rule and/or possession of Jammu under the Treaty of Lahore? The Treaty of Amritsar was not, obviously, concluded between the British on one part and a sovereign head of Jammu on the other. It was in fact concluded between the British Government in India on one part and their cat's-paw in person on the other. The title of

Maharaja given to Gulab Singh in this treaty was therefore nominal and complimentary in nature. Thus the Treaty of Amritsar is invalid and illegitimate by the very definition per-se. Gulab Singh was not a Maharaja of Jammu on March 16, 1846, the day the Treaty of Amritsar was concluded.

(3) Sofi and F.M.Hussnain have contended that there is no proper receipt for the amount having been received, in the records. Hussnain points to a rough draft of receipt in which the total amount is shown to have been cleared by Gulab Singh by March 14, 1850. In this behalf an abbreviated document is available in record office at Lahore which reads as:

"The Honourable East India Company having received from His Highness Maharaja Golab Sing the sum of Rs. 75,00,000 seventy-five lakhs, in fragment of the amount guaranteed by the III article of the treaty between the Honourable Company and His Highness dated Umritsar the 16 March 1846. This single acknowledgement of the receipt of this whole amount is granted by the Board of Administration for the affairs of the Punjab, at the request of Dewan Jawalla Sahai, in addition to the receipts already given to His Highness agents, by the receiving officers, for the installments received by them from time to time between the date of the treaty and the 14 March 1850, the day on which the last instalment was paid in to the Lahore Treasury.

H.M.Lawrence
John Lawrence

Lahore 20th March 1850 C.E.Mausal

Strictly examining, this document is not a cash receipt. From the text of this document, it can only be inferred that it is an administrative certificate of acquittance issued in favour of Gulab Singh. Assertion made by F.M. Hussnain stated here-in-before, that there was no cash transaction involved, however gains support and approval from the Will Deed of Gulab Singh which he made at his old age later on 8th Phagan 1912 (Bikrimi) in favour of his son Ranbir Singh. The Will Deed, inter alia reads as: "...You must remember that this State is simply a gift from the British Government i.e. Her Exalted Highness, the Queen of England, who has bestowed it on us through the good offices of Lord Hardinge, Governor General, Frederick Currie, Col. Lawrence, in independent possession to my lineage perpetually. Hence it is your foremost duty to remain faithful to them with heart and soul."⁵

Nay! the Treaty of Amritsar was not a gift deed either.

The transaction of hilly territories to Gulab Singh was part of the British policy described here-to-fore. The British termed it as a reward for Gulab Singh's conduct in their operations against the Sikh Government and for his adherence to the British interests; but at the back of this transaction there were certain important postulates, which among others included:

(i) Maintenance of non-lucrative hilly and mountainous territories lying between the Ravi river and the Indus.

(ii) Cost of defence establishments involved.

(iii) Effective control over long and tedious boundary and to check any leap forward by Russia, China and Afghanistan towards the British India and Hot waters, with least possible involvement of the British Government.

(iv) The trusted and tested cat's-paw Gulab Singh could also be safely and simultaneously used to stand in the rear of the Sikh State, so that the warring Sikh nation would remain crippled and overawed by the British in the front and Gulab Singh's troops in the rear.

A question simultaneously arises, however, whether the British Government would venture creation of another sovereign and independent state to achieve the said postulates or that Gulab Singh was rather made a great feudatory under this treaty. The latter course was obviously safer. The British did not, for that matter, like to see any neighbouring state to remain independent. How could then Jammu and Kashmir have a sovereign status? In respect of the Punjab Lord Hardinge wrote in his private letter on 23rd October 1847 to Henry Lawrence that, "...by the Treaty of Lahore, March 1846, the Punjab was never intended to be an independent state."⁶

(4) Clause IV of Lahore Treaty states that, "...the Maharaja cedes to the Honourable Company in perpetual sovereignty as equivalent for one crore of rupees all his forts, territories, rights and interests in the hill countries, which are situated between the Beas and Indus, including the provinces of Kashmir and Hazara..." In this one sided illegitimate treaty, the British were in a strong position and dictated the terms in a manner that suited them. Therefore the hill countries ceded under clause IV of the said treaty in favour of the British Government in perpetual sovereignty and the Punjab Government surrendered all their Rights and Interests in such areas.

On the other hand, under clause 1 of the Treaty of

Amritsar, the British transferred the same hilly country lying between Ravi river and Indus to Gulab Singh against a given cash payment NOT IN PERPETUAL SOVEREIGNTY with no mention of surrender of their Rights and Interests in such areas. If the spirit of transaction were sincere, these areas should have been transferred to Gulab Singh with the same terms as had been laid down in clause IV of the Lahore Treaty. The two treaties are not, therefore, equipotential in this respect.

The term "Independent Possession" mentioned in clause 1 of Amritsar Treaty refers to the landed area in question connoting, mutatis mutandis, the same meaning as in the case of a land award given to a feudatory under a Putta. Under the feudal system a Putta generally meant a charitable grant of land or any other immovable property transferred in independent possession to a feudatory and his legal heirs (both male and female) in perpetual succession with specific policy laid particularly in respect of unstinted and incessant service, support and faithfulness of the feudatory and his legal heirs, and other conditions deemed necessary by the overlord. Some times landed property was transferred under a Putta on lease basis for a given period of time. Amritsar Treaty, however, precludes female heirs of the feudatory from the possessory rights of the land so transferred and states that the transfer of land has been made in lieu of a cash payment. Other conditions of incessant service, support, faithfulness and acceptance of the British overlordship are distinctly similar to the terms, as were usually laid by an overlord under a Putta upon a feudatory. Should, therefore, this Treaty be called a Putta, a Sale deed or a combination of both? The former version is, however, authenticated by the facts. Therefore this treaty is from all considerations vitally deficient, for it precludes from its ambit any transaction of the people and Gulab Singh's right to rule over them in the capacity of a sovereign ruler. Thus in that important sense Jammu and Kashmir did not assume a status of a bonafide state during the rule of Dogra family. Under the Treaty it had a status of a large Estate lacking in sovereignty per-se.

(5) There were reasons for omissions of the clauses pertaining to sovereignty or even suzerainty of Gulab Singh and his legal heirs, because apparently this was a sale deed. Sale of human beings in millions would remain a recorded act of brutality and barbarity on the part of British. Therefore the treaty is silent about the people. Further if a clause on sovereignty or suzerainty of Gulab Singh and/or his progeny over the people of the land so transferred were introduced in the treaty, the British would in that case be unable to intervene in the internal

affairs of Jammu and Kashmir. At the back of their policy in effecting this transfer there was, as stated heretofore, the fear of invasion from China, Afghanistan and Russia on east and north sides and of the Sikh state on west and south sides. Therefore clause V, VI and IX were introduced in the treaty to utilize the services of Gulab Singh and safeguard British interests.

Both the treaties of Lahore and Amritsar are based on the Jungle Law - Might is Right. This law in fact still continues to exist in the world in one form or the other. World leaders, international forums, institutions and organisations and also the world information media have all along been denouncing this Jungle Law, but clad in one form or the other it prevails. It prevails in its worst form when under any treaty the independence of the people is jeopardized. This heinous act needs international recognition as such, so that ways and means are found to restore the independence of the deprived peoples in all parts of the world where such problems exist. Under no normal law in any part of the world could the landed property belonging to the people of a country be transferred on cash payment temporarily or permanently by any one even if it were a bonafide sovereign body, to a third person without the knowledge and consent of its owners. Thus was the brazen faced bribe made manifest in the treaty of Lahore on 9th March 1846 and hastily first amended, in respect of stationing of British troops in the Sikh state and protection of feudatories from deprivation of their rights, on 11th March 1846 and then given a final shape in the form of ugly and unlawful transaction of landed property under the Treaty of Amritsar on 16th March 1846, within the tenets of the age-old Jungle Law - Might is Right, and under the misconception that pen shall never supersede the sword, and reason shall never prevail.

Whether the Treaty of Amritsar was honoured by or forced upon the people of Kashmir is another important question that needs to be examined. Treaty of Amritsar must have set in a tremour first at its close range in Sikh Durbar at Lahore, and then on both sides across Pirpanchal range of Himalayas in the people of Jammu and Kashmir. The Punjab Government had expected that the bonafide rights of the feudatory Gulab Singh would be restored by the British Government under the provisions of Article 4 of the Supplementary treaty of Lahore dated 11th March, and that he would be installed back to rulership of Jammu from which he had been deprived on 9th March 1846 under the provisions of the Treaty of Lahore. When they found that Gulab Singh who had been reduced to non-entity by one treaty, was bribed heavily by a grant of large hill

territories of Jammu and Kashmir under another treaty of 16th March 1846, there must have been resentments and repercussions. Minimum reaction to the Treaty of Amritsar that could be expected from the Sikh State would be its reluctance to favour it, for it tantamounted to stabbing them in the back. Even the pro-British lobby in the Sikh Durbar, who had conspired with the British Government in the dismemberment of the Sikh state must not have been happy on the lion's share being given to the arch conspirator Gulab Singh; but they were all helpless, for there was no use to cry over spilt milk. They could at best use cowardly clandestine means and try to alleviate the ill effects of this treaty by weakening Gulab Singh.

The people of Kashmir had already risen in revolt against the alien rule of Sikhs in 1842, when the Sikh power had started showing signs of decline after the death of Maharaja Ranjit Singh. That incipient rebellion had been cooled down cleverly by the Sikh Government by appointment of a Muslim Governor Sheikh Gulam Mohi-ud-din over the predominantly Muslim populated Kashmir state. With the conclusion of the Treaty of Amritsar they were stabbed in the back, forced in to a state of quandary and once again, in their history of recurring misfortune, fallen from the frying pan in to the fire. This was the root cause that there ensued a conflict between Gulab Singh and the Governor of Kashmir.

It may be noted that at the time of the signing of the Treaty of Amritsar, Gulab Singh had assured the British that he would be able to occupy Kashmir without any difficulty, for he thought that the Muslim Governor in Kashmir had been appointed by the Sikh Government of the Punjab at his recommendations and that he would honour his orders. Things did not, however, turn the way he had expected. In the absence of the orders of the Punjab Government, the Governor could not, in the first instance, hand over the possession of the territory to the vassal of the British Government - Gulab Singh. Again to Gulab Singh's dismay, the Governor soon expired in April that year, within days of signing the Treaty of Amritsar. His son Sheikh Imam-ud-din assumed the charge of the ruler of the State suo-moto, and did not honour the Treaty of Amritsar primarily because there was resistance from the people of Kashmir and secret support from the Sikh Government for so doing. With the support of local population, however, Sheikh Imam-ud-din gave a rebuff to Gulab Singh's forces, who ventured to occupy Kashmir by force. "Nearly all the hill Chiefs including those of Rajouri and Rampura joined the Sheikh in his efforts to win back their independence."⁷

Had the two treaties of Lahore and Amritsar not been heavily biased, illegal, illegitimate and iniquitous, the Kashmir Government would have, without much difficulty, come under the control of the British Government; and the Governor there would not have refused Gulab Singh to take over the possession of Kashmir. Non-acceptance of the Treaty of Amritsar by the Government and people of Kashmir, inter alia, meant that they believed that the British Government and Gulab Singh Dogra had no locus standi in exchanging the landed property of millions of people at their back. Blind implementation of this treaty in turn meant reducing the ownership rights of land in to tenancy and enslavement of the people as a whole. Further the interested elements of the Punjab Government were secretly working behind the scene to retaliate Gulab Singh for having stabbed the Sikh State in the back by his well established conspiracy with the British Government.

Gulab Singh, however, approached the British Government in India (East India Company) to come to his rescue. The British Governor General issued warnings to Sheikh Imam-ud-din to hand over the territories of Kashmir to Gulab Singh. Simultaneously a joint campaign was organised against the Sheikh in which British army supported by Gulab Singh's dogra forces with reluctant accomplishment of Sikh contingents were sent to Kashmir, where they reached on 9th November 1846. Sheikh offered no resistance, but argued that he had no instructions from the Sikh Government to hand over the possession of Territories to Gulab Singh. On that basis another treaty was made by the British Government in the Foreign Department, Camp Bhyrowal Ghat, on the left bank of the Beas on 22nd December 1846, which came to be known as Second Treaty with Lahore of 1846. Relevant portion of this treaty is quoted as under:

"...Sheikh Imam-ud-din intimated to the British Government that he was acting under orders received from the Lahore Durbar in the course he was pursuing; and stated that the insurrection (against Gulab Singh) had been instigated by the written instructions received by him from the Vizier Raja Lal Singh... A public enquiry was instituted in to the facts adduced by Sheikh Imam-ud-din, and it was fully established that Raja Lal Singh did secretly instigate the Sheikh to oppose the occupation by Maharaja Gulab Singh of the province of Kashmir. The Governor General immediately demanded that the Ministers and Chiefs of the Lahore State should depose and exile to the British Provinces the Vizier Raja Lal Singh.

The Lordship consented to accept the deposition of Raja Lal Singh as an atonement for the attempt to infringe the treaty by the secret intrigues and machinations of the Vizier. It was not proved that the other members of the Durbar had cognizance of the Vizier's proceedings; and the conduct of the Sardars, and of the Sikh army in the late operations for quelling the Kashmir insurrection, and removing the obstacles to the fulfillment of the treaty, proved that the criminality of the Viziers was not participated by the Sikh nation.

The Ministers and Chiefs unanimously decreed, and carried in to immediate effect, the deposition of the Vizier. After a few days deliberations, relative to forming a Government in Lahore, the remaining members of the Durbar, in concert with all the Sardars and Chiefs of the State, solicited the interference and aid of the British Government for the maintenance of an administration, and the protection of the Maharaja Dalip Singh during the minority of His Highness..."⁸

Assuming that the bonafides of this treaty were not of surreptitious and shady nature and that the chief Vizier of the Sikh State, Raja Lal Singh, had acted derogatory to the first Treaty of Lahore, it follows that he had turned anti-British. Raja Lal Singh was pro-British when he deserted his own Sikh army in the battle of Sobraon, which was fought against the British. He was the leading signatory next to another British stooge Bhai Ram Singh, in the treaty of Lahore. Why then did he act against the British in giving effect to the treaty? Was it that Lal Singh and most probably all pro-Sikh elements in the Sikh State and some pro-British members as well became openly antagonistic when Gulab Singh got the lion's share of spoils from the British under the treaty of Amritsar? Lal Singh and Chiefs of the Sikh State had trusted Gulab Singh to act as plenipotentiary of the Sikh State in the Treaty of Lahore with the British. Instead he stabbed them in the back and sold the Sikh empire lock, stock and barrel to the British. That might have been the reason for Lal Singh to act derogatory to the Treaty of Lahore. Possibility of another reason can not also be ruled out; that on the dismemberment of the huge Sikh empire, the Sikh Durbar must have been completely disarranged. British lobby in particular must have fought desperately for power in the residual Sikh State, each one competing for lion's share. That in-fighting coupled with the tacit fiddling of the British through their agents planted in the Sikh Durbar, might have resulted in the deposition of Raja Lal Singh, for he and/or his group might have been powerful in the Sikh Durbar and that he might have created obstacles to the British Government in making any

further inroads and/or other undue intervention in the internal administration of the Sikh State.

The British, however, killed two birds with one stone in the campaign against Sheikh Imam-ud-din. They ensured possession of Kashmir territories to Gulab Singh, eliminated their arch antagonist Raja Lal Singh from the Sikh Durbar and made it obligatory for the Sikh Government to seek intervention in their internal administration. Had the matter been only of the so-called intrigue or misdemeanour of Raja Lal Singh, there would be no need of concluding 2nd Treaty with Lahore, where-under modifications to the first Treaty of Lahore were made and a clause pertaining to British intervention in the internal administration of the Sikh State was made manifest. Thus this treaty as well is of a shady and surreptitious nature, dictated by the British to the Sikh nation in the position of strength.

The territories of Kashmir, however, came under the possession of Dogra family in November 1846 - i.e., eight months after the conclusion of the most inhuman, ignoble and humiliating bargain under the Treaty of Amritsar.

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NON SOVEREIGN ALIEN RULE OVER KASHMIR COMMENCED

Under the Treaty of Amritsar, Gulab Singh Dogra occupied territories of Jammu in March 1846, but the occupation of the valley of Kashmir and that of the hill state of Rajouri was delayed by about eight months, for there was reluctance on the part of Muslim rulers of these areas on one side and of the Sikh Government in Punjab on the other to implement the treaties of Amritsar and Lahore respectively.

With the obsequious title of "Maharaja", Gulab Singh imposed himself over the people, despite the fact that under the Treaty of Amritsar, people were not at all committed to his charge. When, however, the people of Kashmir practically felt that they were deprived of their hereditary ownership and occupancy rights on their land; that their right to sell, mortgage or transfer of their land was ceased; and that they were to live as his subjects in the capacity of tenants, they sharply reacted. Therefore civil liberties were suppressed forthwith by the disdainful usurper and the Muslims of Kashmir, constituting 80 percent of the total population, whom he considered nothing more than the rabble, were ruthlessly repressed.

Hardly the ink of the treaties of the British Government with Sikh State and Gulab Singh had dried, the British Government started infringing in the internal affairs of both Lahore and Kashmir. The first sign of interference appeared immediately on taking over the possession of the territory of Kashmir by Gulab Singh, when the British Government began to receive complaints of his oppression on the people. Henry Lawrence, then the Resident and Agent to the Governor General at Lahore, followed by his Assistant Lt. R.G. Taylor were sent to verify and dispose off those complaints. In his letter dated 29th November 1847, Lawrence warned Maharaja that, "the British Government will not permit tyranny in Cashmere and the country under your rule, and that if you will not act for yourself, some other arrangement will be made for the protection of the Hill people."¹ He was further told that, "British Government are bound by no obligation to force the people to submit to a ruler who was deprived himself of their allegiance by his misconduct."² "A little later another British officer Agnew also visited Kashmir and severely criticized the conduct and policy of Maharaja."³

It thus follows that the British asserted shortly after the possession of Kashmir was taken over by Gulab Singh. This obviously meant that they had created a locus

standii for themselves in the Treaty of Amritsar to interfere in the internal affairs of Kashmir. The warnings issued by Henry Lawrence followed by the warnings of Governor General were a means to impress upon Gulab Singh where he stood vis-a-vis the Treaty of Amritsar in respect of the people of Kashmir. This vital element in the Treaty of Amritsar, that it precluded from its ambit the transaction of the people and Gulab Singh's right to rule over them in the capacity of a sovereign ruler, was a strong point with the British which held the Dogra family ransom right through its imposed rule. The British had hardly any soft corner for the people of Kashmir. Their main objectives in this drama of posting of British officers in Kashmir for enquiry, their reports, warnings and so forth were inter-alia to keep their cat's-paw Gulab Singh under their foot and to intervene in his internal affairs as and when they intended to do so. "In no case", the Governor General wrote, "will the British Government be blind instrument of a Ruler's injustice towards his people and if in spite of friendly warnings, the evil of which the British Government may have just cause to complain be not corrected, a system of direct interference must be resorted to..."⁴ The fact remains that Gulab Singh could not invoke any clause of the Treaty of Amritsar where-by he could question the bonafides of the British Government for resorting to direct interference in his affairs.

Only after three years of its imposition, the Treaty of Lahore was shelved by the British Government. Contrary to all norms of justice and in glaring violation of article No. I and XV of this Treaty, Governor General of India, by proclamation declared on 29 March 1849, that the kingdom of the Punjab be deemed to have ended and all the territories of Maharaja Dhuleep Singh merged with the British empire in India. During 1849, therefore British Government assumed complete control over the Sikh State. To what an extent Gulab Singh helped the British in this venture is not known. On 20th March 1850, however, a certificate of acquittance from his debt (stated in the previous chapter) was issued by the British in his favour; and cordial relations prevailed inter-se till the dust of this great venture completely settled in 1852; when the British posted Major Mac-Gregor in Kashmir as their first officer on special duty and established their foothold there mainly to watch the conduct of Gulab Singh vis-a-vis British interests. British interference in his affairs were of such a magnitude that Gulab Singh apprehended some trouble for his son in becoming the next ruler of Kashmir after his death. Although there was a clause in the Treaty of Amritsar in respect of transaction of territories in independent possession, there was

no clause in respect of the people or perpetual sovereignty. Gulab Singh therefore during his life time granted on "Putta" the territories of Kashmir to his eldest son Ranbir Singh and conferred on him the title of Maharaja in February 1856 A.D.; and informed the British Resident at Lahore accordingly. The interesting part of this Putta consists of the policy guide lines laid out in respect of the interests of British Government. He wrote: "...You must remember that this state is simply a gift from the British Government ... it is your fore-most duty to remain faithful to them with heart and soul... You must serve the British, cooperate with them and show obedience and courtesy by making presents to them." Further he advised him to get continuous report of happenings on the borders, so that vigilance was adopted. In order to take note of the warnings of the British, he advised his son to "look to the welfare of all and see that none was subjected to loot, injustice by any one."

British Government were, however, conscious of their own weaknesses that they had under the treaty with Gulab Singh, incurred the reproach of becoming indirectly the instrument of oppression of the people who had in effect been subjected to alien misrule of Rajput family and that they had deprived the people of Kashmir of their hereditary occupancy rights over their land. During the Dogra rule over Kashmir, the British therefore made some vain attempts to give amends to their doings and to provide relief to the affected people with, of course, remaining heavily biased of their own interests that the Soviet Union and China do not make any leap forward in the territories transferred to Gulab Singh. Relationship between the Dogra rulers and the British Government therefore remained an interesting cat and dog affair through out.

Gulab Singh Dogra and his lineage of three generations ruled Kashmir over a period of little more than a century - 1846 to 1947, when this rule ended helter-skelter with the exit of the British from the Indian sub-continent. During the first one decade of Dogra rule, Gulab Singh consolidated his position by unleashing terror in Kashmir. "He had only two aims in life and these were 'Zamin'(land) and 'Zar'(Gold)... At the outset of his reign, he confiscated all previously held jagirs (fiefs). He declared that all land in his subjugated territories of Kashmir and frontier illaqas (Regions) belong to him and the owners or the tillers of land were simply tenants at will... For first time in its history, the Kashmiris as well as the people of frontier illaqas lost ownership of their lands."⁵

On the development side hardly there is any thing that has been constructed by him in Kashmir province. He, however, did not fail to transform the city of Jammu (predominantly populated by Hindus) in to a model city under a proper Plan. He built his palace at a highest commanding point on the hill onlooking river Tawi, constructed mansions for his nobles (Hindu Rajputs) in the close proximity of his palace and also built an agora - the market place at the centre of Jammu city. Places of parks and play fields were well earmarked and developed. The temples of Sautri and Devi Trikuta on the bank of the river Tawi in Jammu city are also among his contributions to the capital city of Jammu. Money that was required for all this development came from the revenues exacted from the people - 80 percent Muslim.

Kashmir Province on the other hand was a pleasure resort for him, an alien place populated by Muslims. Gulab Singh could therefore construct a few wooden forest huts in selected areas along the streams for his own abode during pleasure trips. Famous city of Srinagar in Kashmir was permitted to drift and huddle unplanned along the banks of river Jhelum, unmindful of the growth of blighted and blitzed areas in it. The buildings grew in uncontrolled manner, in mud walls and thatch roofs. Condition of village settlements in Kashmir Province was appalling. Out migration of the village population was brought about by depriving the people from the source of sustenance (Land). Villages therefore suffered dereliction in general and those lying in low lying areas of the valley were frequently wiped out by floods.

An 80 year old fort building built by one Afghan ruler Amir Ahmad Khan in 1770 A.D. on the bank of river Jhelum at Shergarhi in Srinagar was instead used to serve as his palace and the seat of Government.

In 1856 A.D. Gulab Singh had handed over the possession of the territories of Kashmir to his eldest son Ranbir Singh and conferred on him the title of Maharaja. In 1857, the British were squarely faced with the uprising of the Indian people and sepoy insurrection. The whole Indian nation had joined in support of the revolt of Indian troops against the alien rule of British Government. Maharaja Ranbir Singh appeared on the scene lock stock and barrel and jumped in the fray in support of the British Government against the patriotic Indian soldiery. "He despatched a contingent of nearly 3000 soldiers to Lawrence... It consisted of 2000 infantry, 200 cavalry and six guns..." This contingent played a significant role in the siege of Delhi; whereas Rulers of other nation States, who thought that the British power would resist

the assault made on it, remained resentfully loyal to their old masters. The Governor General appreciated the services rendered by the Maharaja in the task of suppressing the Mutiny of 1857... The British conferred on him the title of "The Star of India."⁶ By this title one should understand the magnitude of contribution that Ranbir Singh Dogra had made in killing the patriotic soldiers of India who so bravely sacrificed their lives for the independence of Indian nation. Such like traitors are always there in all nations which lie under alien domination. They wrought havoc at times. Most distressing is the fact that historians, instead of revealing such grave felonies in proper perspective, exalt such persons as praise worthy, far sighted leaders, astute politicians, war heroes etc.

One can very well understand Ranbir Singh's anti-national role in this war. He acted in accordance with the guide lines laid down by his father Gulab Singh in the Putta of 1856 stated loco-citato; for the continuance of his illegal, immoral and tyrannical hold over the people of Kashmir very much depended upon his loyalty and faithfulness to the British Government. But the way he casted aspersions on the Indian leaders and soldiers in so foul a language in his thanks giving letter to the British Government is most revealing. He wrote: "This humble servant, in obedience to Royal orders in the service of Her Excellency, jumped in to the flood of mischief mongers, rebels and instigators; and sent his loyal soldiers to help the royal forces and bravely face the trouble creators, who were faithless bastards; this humble servant begs to offer his sincerest thanks to Her Exalted Majesty, the Queen for giving this humble servant the special Status."⁷ This vividly reflects the loathsome behaviour that the Dogra rulers of Kashmir always exhibited in favour of British Government. In its worst form the role of Gulab Singh appeared in the Anglo-Sikh war at Sobraon and in concluding the treaty of Lahore; and then of his successor Ranbir Singh against the native Indians in the Mutiny of 1857. Should any one still feel justified in his contention that the Dogra rule on Kashmir was a bonafide one?

What sort of contribution could be expected from Ranbir Singh towards the development of Muslim majority areas; for he had gained favour of British Government. Over a period of 29 years of his illegal and illegitimate rule over Kashmir (1856 to 1885), he has not ventured any major project which would directly or indirectly benefit the majority community in any part of the territories that he illegally possessed. He, however, lost no time in building numerous temples in Jammu for his own class

of people. Rugnath temple, Gadadhar's temple, Mahalaxmi temple, Baldevji temple, Luxmi Narayan temple, Hanuman temple and Ranbirnath temple in Jammu city all owe their existence to the Dogra ruler Ranbir Singh. The imposing structure of these temples have given a vertical form to Jammu city, which to this date dominate the city structure as a whole.

Both Gulab Singh Dogra and his successor Ranbir Singh always imagined that they were themselves the State. Ranbir Singh's active role in suppressing the Mutiny of 1857, helped him to the extent that British Government did not take him to task for his malpractices against the people at least for some time till the dust of the explosion (Mutiny) settled in the sub-continent. Both these dogra rulers believed that the exactions from the land of the people and numerous tax proceeds were their property, and the people were their slaves; and that their affairs should take precedence on all matters; and that their chief business was pleasure.

Joseph Chailley has drawn a sketch of one category of rulers of that era in India in these words: "The Chief of such a State is a despot. He lives in his palace, surrounded by his wives and concubines, the members of his family, courtiers, mountebanks, jugglers and astrologers. Some times he has no minister, but that does not lead him to work for himself, or prevent him from occasionally leaving his State, and allowing its affairs to look after themselves. What does it matter, so long as the Chief has a good time? In his little Court intrigue is rampant. Parties form round his favourites, his wives and his concubines, and denunciation and calumny are their usual weapons in the struggle for favour. The Chief does not know whom to trust, and has to live in an atmosphere of continual suspicion... The State money, which they treat as their own, flows out on every side, and, in the first instance, to those around them, to their relations, their courtiers and their flatterers."⁸

In this sort of personal rule, such rulers would hardly get any time to do some good and contribute towards building socio-economic infra-structures for the benefit of masses. No major project of irrigation or roads or power supply appears to have been accomplished during Gulab Singh's or Ranbir Singh's rule in Kashmir. The latter might have initiated the Canal project for irrigation and power development in the Jammu region, but that project was finally accomplished during the rule of his successor.

Ranbir Singh, however, was faced with an intrigue of his courtiers and army officers. "A conspiracy to assassinate Ranbir Singh was detected in 1859 involving Mian Huttoo Singh, an illegitimate son of Gulab Singh, with seven other officers of the Dogra Army... The ring leaders were arrested and hanged."⁹ His role in Trans-frontier Politics and his dealing with the people have a special significance vis-a-vis Kashmir Problem. Therefore these subjects have been dealt in some detail separately in the chapters that follow.

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TRANS-FRONTIER POLITICS AND STATUS OF NORTHERN AREAS

Northern Areas are not clearly defined, for they have more often been susceptible to alien intervention. For purposes of our discussion, however, Indus valley region covering Ladakh district, Baltistan, Gilgit and the shin states of Yaghistan, of which the most important ones are Chilas, Darel and Tangir shall be called as Northern Areas. This region, mutatis mutandis, covers the whole watershed of Indus and its tributaries on both sides from Tsomoriri up to western boundary of Chilas. Golwin Austin, however, lies across Karakuram.

Importance of this region lies in the fact that it is bordered by Tibet in the east, Chinese Sinkiang, Russian Turkistan and Afghanistan in the north, Pakistan on the west, Kashmir Valley on the south and India on the South-east. (Refer Map No.4)

"Ladakh and Baltistan (the two chill cold districts of this region) had been subdued on behalf of Maharaja Ranjit Singh (the Sikh ruler of Punjab) in 1833; and military Governor had been posted by Sheikh Mohi-ud-din (Governor of Sikh Government in Kashmir) at Gilgit."¹ These territories lay at a great distance from Lahore - then the seat of Sikh Government. But for ambitious behaviour and expansionist tendencies of Ranjit Singh and his faithful feudatory Gulab Singh Dogra, occupation of these inaccessible territories was a luxury and liability for the Sikh Government; for it was most difficult to administer these territories without any corresponding economic advantage to the Sikh Government. After the death of Maharaja Ranjit Singh, however, the Punjab Government was fraught with internal feuds, external conspiracy and ultimate quandary. The control over these areas was almost lost. "In 1842 a call for help reached (Sheikh) Mohi-ud-din from one of the scions of the ruling dynasty of Gilgit; and the Sikhs, seizing upon this opportunity, sent a force under Mathra Dass to Gilgit who installed a chief of their choice on the throne and made him a vassal of the Lahore Government."²

With the diminution of Sikh power and occupation of Kashmir up to Indus in the north by the Dogra Rajput family, control of the Punjab Government over inaccessible "Northern Areas" had almost collapsed. Having attained the title of "The Star of India" for his incessant and unstinted support to the British Government in the Mutiny of 1857 against Indian soldiers and knowing fully well that the Sikh State had been reduced to shambles by the British and Dogra intrigue, Ranbir Singh remained unmindful of the obligations of the Treaty of

Amritsar, and probably unwittingly acted for the interests of the British, and sent his forces across Indus. They occupied Gilgit in 1860. After establishing their foothold at Gilgit "Maharaja's forces went to Shah'dula and erected and garrisoned the fort in the spring of 1865 or earlier. (Note that Shah'dula is about three day's journey beyond Karakuram Pass)"³ On the west side of Gilgit Dogra troops marched further and occupied Darel in 1866.

Without any formal commitment by the British for extension of the territories of Kashmir, there appears to have been either a tacit incitement by the British or a joint venture of Ranbir Singh and British Government in the campaigns against the Chiefs of Northern Areas. That finding is based on the fact that immediately after the occupation of the areas across Indus, surveys, most probably of reconnaissance type, were hastily carried out in the occupied areas by the British officer by name Johnson. No definite view can be formed as to the exact delineation of occupied areas of that time. A map was prepared on the basis of the Johnson's survey. "The boundary line therein laid down is entirely at variance with that shown in the map which accompanies Cunningham's work on Ladakh which was published by the Government authority in 1866."⁴ But the fact remains that the purpose of these campaigns was multi-fold. Ranbir Singh on one side had the illusion of building his empire up to the borders of Afghanistan and Chinese Turkistan. The British Government were interested to keep the Trans-frontier politics under close surveillance. Their presence in this region would also check the contacts of Dogra rulers with Czar - the emperor of Russia. With that purpose they sent Hayward for reconnaissance to the Pamirs. They were interested in opening a trade route with eastern Turkistan (Sinkiang) and develop close liaison with that Government. Ranbir Singh's troops plunged deep and reached the Kun Lun mountain range on the borders of Eastern Turkistan through Chang Chemo Valley and Karakurum Pass in 1860s.

The Commercial Treaty of 1870 was drawn between the British Government and Maharaja Ranbir Singh in person at Sialkote to open a trade route from the British frontiers via Chang Chimo Valley and Karakurum pass to the territories of Eastern Turkistan under their joint control. Transit duties levied within the territories of Kashmir were abolished on goods transmitted in bond from eastern Turkistan to British India and vice-versa. The trade routes were surveyed and aligned by the officers of British Government. In accomplishing this onerous task of opening the trade routes through most difficult terrain

and snow clad mountains over hundreds of miles, thousands of thin clad suppressed Muslims were forcibly engaged.

Ranbir Singh was soon alleged by the British Government of having started direct contacts with the Russian Government. "...the Lt. Governor under instructions from the Supreme Government wrote a letter on 26th September 1873 to Maharaja Ranbir Singh"⁵ suggesting, inter alia, posting of British Resident in Kashmir and showing concern about the direct correspondence between Russia and Kashmir. That meant the mirage of his so-called sovereignty or independence had reached a breaking point. In his state of abasement and disappointment Ranbir Singh submitted a long memorandum to Lt. Governor containing all sorts of assurances for being loyal and faithful. He submitted that he was prepared to keep one of his sons to remain captive of the British if he violated his faithfulness or conspired with Russia, on which pretext posting of Resident was sought by the British. He offered that: (1) Joint Commissioner of Ladakh (the British officer at Leh) could remain there all the year round, and (2) Officer on special duty in Cashmere could continue for 8 months instead of six months in a year.

Dogra rulers themselves would stay in Srinagar for only six months in the year, but the British desired to keep their officer longer. Maharaja explained that "the appointment of Resident would be derogatory to my honour and position"⁶

Ranbir Singh's illusion about his position as sovereign head of his territories was to go, but it was a matter of little more time. Illusion of sovereignty and/or independence had been already shaken by the British in the mind of his predecessor Gulab Singh at the time of appointment of Officer on Special Duty in Kashmir in 1852. But since his son Ranbir Singh helped the British in the event of Mutiny against the native Indians, he could maintain his suppressed illusion till 1873. Governor General wrote, inter-alia, to Lt. Governor of the Punjab on 27th December 1873, that "...the Maharaja, however, appears to prefer that he should continue to be called "the Officer on Special Duty, instead of resident; to this I have no objection."⁷ The British Government, therefore directed their main attention to improve the position of their Officer on Special Duty, so that their hold on the internal administration was strengthened and secret contacts of Ranbir Singh with Russia and Afghanistan were closely watched. Simultaneously in 1874 they established their mission at Kashgar in Eastern Turkistan (Sinkiang).

British presence in Sinkiang was obviously a source of

annoyance for Czar, the emperor of Russia. He therefore revived his plans for invasion of India in 1876. The British simultaneously fortified Gilgit - the strategic territory in the "Northern Areas" in the same year and placed the Officer on Special Duty in Kashmir direct under the control of central Government of British India in 1877. Till then he operated in Kashmir through British Lt. Governor stationed in Punjab. Further they appointed a British Political Officer at Gilgit in 1878.

Surveys of trade routes from Ladakh to Eastern Turkistan and of frontier boundaries along Karakorum and across by the British officers, establishment of Joint Commissioner by the British at Ladakh, appointment of their political Agent at Gilgit and subsequent unilateral activities in such areas and campaigns led by the British Generals at Hunza, Nagar, Chitral and around; all point to the fact that Dogra Government's refusal would not in any way alter their objectives in Northern Areas. Nominal hold of Dogra rulers over the civil administration in Gilgit was to involve the local people in building and maintaining roads and providing necessary services and facilities to the British stationed in these areas. To cow down the Dogra rulers to that subordinate position, British used other methods. "A.C. Lyall, the Foreign Secretary drafted his own memorandum dated 19th Nov. 1879. After briefly referring to some defects in the internal administration and secret correspondence of the Maharaja with Afghanistan and Russia in the past, Lyall stated that "recently there have been numerous indications that the correspondence with Foreign States beyond the north-west Frontier of Kashmir has been rapidly increasing until it has now become a question whether the British Government shall openly notice it to Maharaja."⁸

In 1884 Transfrontier Politics took a new turn when Russia seized Panjdeh and an uprising took place in Yasin - a small state close to Russian border. A stage reached when Russia and England were on the brink of war. "In 1885...when England was in difficulties in Egypt and in Afghanistan, ...Nizam of Hyderabad offered to the Government of India, in a letter which has remained celebrated, the sum of 600,000 pounds and military assistance for the defence of the North-West Frontier."⁹ It became incumbent upon the British to take some emergency measures. The ruler of Kashmir, Maharaja Ranbir Singh died in the same year. The British availed this opportunity and replaced the British Officer on Special Duty in Kashmir by a full fledged Resident. Col. Lokhart was sent to Gilgit in 1886 for preparing a scheme of strengthening the defence in Northern Areas. The scheme that he submitted to the British Government worked out a

costly venture and was therefore not accepted.

In 1888 the reports came about the presence of Russian Agents in the Trans-Himalayas. In 1889 Col. A. Durrand was posted to this region for in-depth study, report and re-organisation of troops. He too recommended, inter-alia, that the British should strengthen its hold on Gilgit and organise a strong army competent enough to safeguard the borders and any leap forward of Russia. British political Agency was re-established at Gilgit in 1889 under the control of British Resident in Kashmir and the army posted in Northern Areas was re-organised. A combined force of the British and Maharaja's troops specially trained in mountain warfare and fully equipped was formed under the name of Imperial Service Troops. A road from Srinagar to Gilgit was constructed for movement of troops, military stores and equipment. A cart road from Rawalpindi to Srinagar was also hastily completed in 1890, when "news reached about the attack of the hill people on British cum Dogra forces. Russia had instigated the Chiefs of Hunza and Nagar to drive out the foreigners and promised every support in their freedom struggle. Accordingly they captured the fort of Chalt. The Dogra forces were turned out of Nomal. The British got alarmed and decided to save Gilgit at any cost. The British Agent at Gilgit was entrusted with military operations against the Frontier Chiefs. An operational force was organised in 1891 and sent to Gilgit under the command of Col. A. Durrand. "The bulk of the forces belonged to the State. According to the British, the object of the expedition was to disperse the gatherings of Hunza and Nagar tribesmen, which were threatening the fort of Chalt and Gilgit, and generally to bring under control the Hunza and Nagar Chiefs, who had broken their engagements with the British Agent, and had long acted in open defiance of their nominal superior, the Maharaja of Kashmir."10 "Durrand started his operations in December 1891. Important forts were captured by the British and the tribesmen suffered heavy casualties and they were pursued as far as Misger. The frontier Chiefs submitted before the combined might of the British and the Maharaja. An agreement was signed by both the Chiefs of Hunza and Nagar, who acknowledged the suzerainty of Great Britain, as the overlord of Kashmir, and opened their territories to the free passage of officers deputed by the British Government. Thus a vulnerable gap in the defence of the North West Frontier was closed by the occupation of Hunza and Nagar in the Gilgit Valley, two strongholds commanding the road to Chitral and certain passes over the Hindukush. The memorable campaign of 1891 hoisted the British flag on the very crest of the Hindukush. Durrand was entrusted with the work of delineating the Indo-

Afghan border. Soon afterwards the Pamir Boundary Commission started its work... After having subjugated the tribal Chiefs of Hunza and Nagar, and having deposed the Maharaja (Pratap Singh), the British Resident became the de-facto ruler. The affairs of frontiers were entrusted to the British Agent at Gilgit."¹¹

Having established their foothold in the Northern Areas, the British moved further west of Yasin State in to an independent State comprising Chitral, Dir and Swat valley of Kashgar river - a major tributary of Kabul river of Afghanistan. "The trouble arose due to war of succession in 1895. British led a two-pronged attack on Chitral from Gilgit, and from Peshawar. In these campaigns, troops of Maharaja played an important part in suppressing the Chitralies and the Pathans who were fighting against British intervention. The British achieved success in this campaign... A British garrison was kept in Chitral, Dir and Swat. It was decided that retention of Chitral was necessary for the defence of frontier."¹²

Under this sort of a consistent process and tacit involvement of the forces of the Maharajas of Kashmir and forced services of the people of Kashmir and Northern Areas, the British obtained complete hold on Kashmir, Gilgit, Hunza, Nagar, Baltistan, Ladakh and valleys of Nobra and Chang Chimo. British political Agency established in 1889 at Gilgit was re-organised. "It comprised of the Gilgit Wazarat, the State of Hunza and Nagar, the Punial Jagir, the Governorship of Yasin, Kuh Ghizr and Ishkuman, and Chilas."¹³

Thus it was made impossible for Czar, the emperor of Russia to think of any forward move towards Northern Areas or Kashmir. The liberation movement of the people, however, lay in a state of hibernation till certain developments in these areas and around became favourable for the people to react.

Dismemberment of the Sikh State of Punjab was brought about by the British in 1846 and areas covering the water-shed of Indus on its left bank - south side, consisting of parts of Ladakh, Baltistan, Gilgit and Chilas (a Shin State of Yaghistan) formed part of the territories taken over by the British Government under the illegal treaty of Lahore in perpetual sovereignty from the Sikh Government, in lieu of so called indemnity of Sobraon war. Remaining parts of Ladakh, Baltistan, Gilgit and Yaghistan across Indus river lying towards its north side up to the borders of Chinese Tibet, Eastern Turkistan (Sinkiang), Afghanistan and North West Frontier Province covering roughly about seventy per cent of

Northern Areas fell outside the jurisdiction of the British Government.

Under clause 1 of the Treaty of Amritsar, areas lying between River Indus and River Ravi shown on Map No.4, were transferred by the British to Gulab Singh Dogra. Since the Northern Areas stated as above, falling across on the right bank of River Indus, (refer Map No.4) did not belong to British Government, these areas could not be included in the Treaty of Amritsar. Further under clause IV of this treaty it was made incumbent that "the limits of the territories of Maharaja Gulab Singh shall not be, at any time, changed without the concurrence of the British Government."¹⁴ Dogra rulers, however, time and again changed the boundaries of illegally acquired territories of Jammu and Kashmir in contravention of the said provision of the treaty of Amritsar. Their troops crossed river Indus and occupied those parts of Ladakh, Baltistan, Gilgit and Yaghistan which lay outside the ambit of the Treaty of Amritsar towards the north side of river Indus. Therefore it is necessary to examine whether any formal approval or consent had been obtained by any Dogra ruler for so doing from their Suzerain - the British Government; or that Dogra ruler's forces joined British troops in their campaigns in these territories in compliance with article VI of the Treaty of Amritsar; or that the status of these conjointly occupied Northern Areas across Indus remained legally in a state of obscurity, during the period of their occupation, with some specific purposes, which inter alia included:

(a) to establish their trade and political relations with Eastern Turkistan (Sinkiang) and, (b) to stop Russia from making any leap forward in to the Indian sub-continent.

V.P.Menon the then Secretary States, Government of India, who played an important role after partition of India, in the integration process of princely states in favour of India, has made a different plea in respect of the status of Gilgit. Without giving any background of the problem or throwing any light on the developments of the past, he writes: "In 1935 Soviet Russia had taken virtual control of Sinkiang in Chinese Turkistan, a move which made it necessary for the Government of India to take over the administration of the Gilgit Sub-Division from the Jammu and Kashmir State. They did so on a sixty year lease and undertook sole responsibility for the administration and defence of the area. For a period of twelve years after 1935, except for the war years of 1942-46, Gilgit Sub-Division was administered by a British Assistant Political Agent of the Indian Political service. The Gilgit Scouts, commanded by British officers who were specifi-

cally chosen for a responsible and somewhat delicate task, had also been built up. When the June 3rd Plan was announced, the Political Department retroceded the area to the Maharaja and the Gilgit Scouts were also handed over to him... The Maharaja then appointed a Governor for that area. The Governor accompanied by Major H.L. Scott, Chief of the Staff of the J&K Army reached Gilgit on 30 July. On arrival they found that all the officers of the British Government had opted for service in Pakistan. There was no state civil staff available to take over from these officers. The Gilgit Scouts also wanted to go over to Pakistan. In addition to the Scouts 6 J&K Infantry battalion (half Sikhs and half Muslims) was the only state force unit available. It was commanded by Lt. Col. Abdul Majid Khan and was stationed at Bunji, 34 miles distant from Gilgit. At midnight of 31 October, the Governor's residence was surrounded by the Gilgit Scouts. The next morning the Governor was put under arrest and a provisional government was established by the rebels. The Muslim elements (including officers) in the State force garrison had deserted; the non-Muslim elements were largely liquidated. Those who survived escaped to the hills and then joined the State force garrison at Skardu. On 4th November Major Brown the British Commandant of the Gilgit Scouts ceremonially hoisted the Pakistan flag in the Scouts lines and in the third week of November, a political Agent from Pakistan established himself at Gilgit."¹⁵

From these statements of Mr. V.P.Menon, it transpires that he has limited his observations to Gilgit Sub-Division - a small part of Northern Areas across Indus described here-to-fore as non-conforming to the provisions of the Treaty of Amritsar. Notwithstanding the restrictions placed under clause IV of this Treaty, in respect of changing the territories specified there-in without the concurrence of the British Government, it has been found that there have been persistent efforts on the part of British to involve, for one purpose or the other, their own troops and officers and also use the forces of Maharajas of Kashmir under the overall control and command of the British Colonels against the local chiefs of Northern Areas, with a chief objective of defending the frontiers and stopping any onward movement of the Afghan troops and/or Russian forces in to Northern Areas.

In respect of control over this region, it has also been pointed out that the British established their joint commissioner at Ladakh immediately after it was occupied; and when Gilgit was occupied, British Political Officer was posted at that place. In 1891, when the Chiefs of Hunza and Nagar defeated the Maharaja's forces and

captured the fort of Chalt, they were confronted conjointly by the troops of the British and Maharaja of Kashmir under the overall command of the British Colonel A.Durrand. To whom did Gilgit therefore belong? In respect of Ladakh it may be pointed out that British had taken over Trade between Ladakh and Tibet as early as in 1895, when they introduced British currency in Kashmir and occupied Chitral.

V.P.Menon, however, contends that in 1935 Gilgit Sub-Division was taken on lease by the British from Maharaja of Kashmir for a period of sixty years, but with the announcement of June 3rd Plan in 1947, this area was retroceded by the British to Maharaja of Kashmir, and that the latter appointed a Governor, who reached there on 30 July 1947, when all the officers of the British had opted for service in Pakistan; and that there was no civil administration, and the Gilgit Scouts too wanted to go over to Pakistan. Contrary to his own statement about the British officers he, however, admits that Major Brown, the British Commandant of the Gilgit Scouts hoisted the Pakistan flag at Gilgit. This point is most important for our further discussions on the subject. Further it is again questionable as to why a brigadier of his army was posted as Governor by Maharaja of Kashmir in an area where there was no civil administration, where the Gilgit Scouts and the British officers had already opted for Pakistan, the Muslim soldiers of the 6th J&K Battalion had already deserted.

Bazaz writes that, "It was clear that Maharaja was bent upon a show down. The Azad Kashmir Government therefore accepted the challenge and declaring on the next day 23rd of October, a holy war for the liberation of homeland ... in Gilgit the warlike local people rose in rebellion supported by Rajas of Hunza, Nagar, Punial and Yasin - all Muslim. They overwhelmed, dis-armed and imprisoned the Dogra garrison and its newly appointed Governor, the haughty Brigadier Ghansar Singh."¹⁶ Such was the outcome of the miscalculated move of the Maharaja, whose bonafides as ruler had all along been challenged in Northern Areas and in fact in almost all parts of Jammu and Kashmir during Dogra rule in general and on the eve and after the Partition of India in particular.

The plea made by V.P.Menon does not, obviously, fit well with the retrospective political developments of the Northern Areas. Assuming, however, his statement to be correct, for he held a responsible position in Government of India; it is not understood as to how could J&K Military Unit remain at Gilgit for twelve long years up to 1947, if that Sub-Division had been leased out to the

British Government by Maharaja of Kashmir in 1935. Further lease deed, if any, pertaining to the part of Northern Areas lying on the north side of Indus river loses its validity in the context of the Treaty of Amritsar. If there is really any lease deed existing on record, the text of such a deed must be quite interesting. Where was the need for the British Government to take Gilgit Sub-Division on lease in 1935 when it had enjoyed virtual control of Northern Areas (Gilgit included), ever since its occupation in 1860s? Such a lease deed must have had a map showing precisely the area in question. Another point that arises in this context is that whether the Maharaja or his successor had any right to annex, under various campaigns the territories lying across Indus river. Campaigns that were launched by the British and Dogra forces conjointly need to be studied in depth, for the status of these areas has its implication on the Kashmir Problem.

The agreements exacted in 1891 from the Chiefs of Hunza and Nagar (the two important small states of Gilgit Sub-Division), who had surrendered before Col. Durrand, the then Commander of the combined forces of the British Government and Maharaja of Kashmir, if concluded with the British Government exclusively, should have bearing vis-a-vis Government of India Act 1947, whereby all treaties or agreements lapsed on the day that act was passed. In case such agreements were concluded by the Chiefs of Hunza and Nagar with the British and Maharaja conjointly or with the latter exclusively that has obviously a different implication. In the former case the Status of Gilgit Sub-Division shall fall in a quandary, and in the latter case sufficient proof is needed in support of the contention that Maharaja of Kashmir had a bonafide hold on Gilgit Sub-Division, for it formed a part of Northern areas outside the territory acquired by Maharaja Gulab Singh under the Treaty of Amritsar. Chitral State and other states along the border of Tibet, Eastern Turkistan, Karakorum and Hindukush across Indus were all captured by the British and Dogra forces conjointly. Why then the status of Chitral, Dir and Swat remained different than other Northern Areas? These areas were not shown as part of so-called Maharaja's territory in the maps of Kashmir during Dogra rule. This needs in-depth study and full explanation.

Historical facts revealed loco-citato in respect of Northern Areas precisely support the basic fact that the strategy of the British Government in this region had all along been to contain Soviet Union and prevent any leap forward of communism on to the sub-continent; no matter whether the British or Dogra rulers held these territo-

ries; for they were not economically viable. Hoisting of Pakistan flag in Gilgit, after the partition of India and Pakistan, by the British commandants of Gilgit Scouts should not be lost sight of, for it was very much meaningful in the context of global strategy of the United States of America and her chief ally - the British Government.

With this background we shall next explore whether this sort of strategy and Transfrontier Politics continued in this part of the world and in what measure did it influence the problem of Kashmir and relations between India and Pakistan.

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FIRST UPRISING AND RECORD REPRESSION

In 1859 Ranbir Singh Dogra parcelled out the cultivable lands of the territories of Kashmir among Kardars - the land agents, who were vested with large powers. A Kardar would arrange cultivation of the estates through tenants in units. Shakdars were posted in all villages to keep strong vigil of the crop. "When the harvest-time came, a regiment known as the nizamat pattan moved out in to villages to enforce (so-called) State's claim (Three quarter of the produce of the soil), and this regiment was always supplemented by sepoys from the regular army."¹ The terror leashed out by these regiments in the villages, the types of taxes as described here-in-after and the methods of exaction can hardly be revealed in full.

Natural outcome of atrocities is always hatred and indignation, which are generally reflected in various forms - People's Agitations, Uprisings, Rebellions, Revolts etc. More often than not such mass reactions are wrongly dubbed as Subversive and/or Terrorist activities by fake States and interest oriented nations.

"In April 1865, the people agitated against the atrocities of the officials. Shawl workers were in the fore front; and it was a unique and an organised rising. On the historic day of 20th April 1865, the workers joined the struggle in India. The workers from all parts of the city (Srinagar) marched in a procession towards Zaldagar. They raised slogans and burnt effigy of Pandit Raj Kak Dar, the 'Daroga' (officer commanding) of Shawl Department. Kirpa Ram who was the Dogra Governor of Kashmir (province) at that time, decided to crush the uprising of the Kashmiri Muslims with a strong hand. The Dogra forces at Srinagar were sent under the command of Bajay Singh to deal with the procession. The workers were surrounded and then charged with guns and spears. After some deaths the procession ran towards the bridge of Haji Rather Sum. Many of them fell in to the marshy canal and got drowned. Hundred of workers suffered minor and major injuries and at least 28 Kashmiris dead bodies were recovered by the people from the army."² "As soon as Ranbir Singh Dogra received information about the agitation, he ordered that the rebels be dealt with very severely. He gave instructions to his Governor that the dead bodies afloat the water be got buried very secretly."³

In the first half of 1860s Ranbir Singh's troops had, with tacit involvement of the British, launched campaigns against the freedom loving peoples of the Northern Areas across Indus. They had occupied Gilgit, crossed Karakoram

mountainous range and reached the borders of Tibet and Eastern Turkistan. These successful ventures had provided sufficient ground for his frenzy to become a potent stubborn. In that sort of frenzy he acted sharply against the people's uprising. "The agitation was suppressed ruthlessly and its leaders, i.e. Shaikh Rasool, Abli Baba, Qudda Lalla and Sona Bhat, who had been arrested, were brought to Shergarhi Palace and beaten mercilessly. They were strapped and thrown in to a dungeon. Shaikh Rasool and Ali Baba died of atrocities. In the meanwhile, a heavy fine of 50,000 rupees each was imposed on all the four leaders. And when it came to light that they were poor, it was reduced to 25000 rupees in each case. But the Maharaja did not agree to this remission, for he wanted to make it a test case and example for his subjects. The other two leaders were sent to Jammu to be imprisoned in the Bahu Fort. Besides the above, hundreds of agitators were arrested and imprisoned in the jail at Habak. Most of them died of cold and starvation."⁴

After having curbed the people's uprising with a heavy hand, Ranbir Singh grew worse towards the Kashmiri Muslims. In the frenzy of hate against Kashmiri Muslims, he started distorting the names of historic places in Kashmir province. A mount in Srinagar, which was known for centuries by the name of Takht-i-Sulaiman (Solomon's Throne) was, instead, named as Shankeracharaya. Islamabad Town in Kashmir was named as Anantnag Town.

Begaar - the forced labour, was a weapon that Ranbir Singh used to the maximum to coerce the freedom struggle and curb the spirits of the people. Muslim populace in general and those suspected of in-subordinate tendencies in particular were mostly affected. Kashmiri Hindus, Sikhs, Dogras, Pirzada Muslims and those under the humble and faithful service of the ruling coterie were spared. Besides seizing their ponies for carrying loads, thousands of Muslim villagers were driven off their homes and used as carriers of burdens and/or on opening out roads across snow-clad mountainous passes and chill cold arid territories from Kashmir to Ladakh and other Northern Areas. This was all in the knowledge of the British Government. But they had their own interest in building road links across Kashmir and Northern Areas.

Knight has given a pathetic description of the Begar (forced labour) in these words: "Many thousands of villagers have been driven off every year to toil as carriers of burdens on Gilgit road... Gilgit is the name of terror through out the State. An enormous transport service is needed to supply the garrison on the northern frontier with grain. The Kashmir authorities have been

utterly careless of the comfort, and even of the lives of unfortunate wretches who are dragged from their homes and families to trudge for months, over the wearisome marches of that arid country. They fall on the road to perish of hunger and thirst and, thinly clad as they are, are destroyed in hundreds at a time, by the cold on the snowy passes. When a man is seized for this form of Begar, his wife and children hang upon him, weeping, taking it almost granted that they will never return."⁵

During Ranbir Singh's hold on Kashmir, the people of Kashmir were squarely caught in a vicious circle. Tyranny and torture of the ruler apart, they suffered from frequent floods, famines, earth-quakes and fires of human settlements. Worst famine occurred in 1877-79, People in certain localities died en-masse. Author feels that when a society is deprived of the virile, its economic conditions deteriorate, which in turn becomes the cause of many ills, such as abject poverty, famines, fires and diseases; which on account of poor sanitation and lack of medical aids spread and cause epidemics. This disastrous famine of late 1870s, however, swept off three fifths of the population of Kashmir Valley and the left over population was thrown in utter confusion and dismay. Ranbir Singh could, if he wished, provide funds to combat all types of calamities. Kashmir Valley gave him all sorts of food stuffs. He exacted all sorts of taxes from the Muslims of Kashmir, but due to his hatred of Muslims he could not come to their rescue, for he was also an alien ruler. Natural calamities, such as floods would normally warrant exemption of taxes and land revenues on areas affected. Nay! Ranbir Singh was arrogant. "The taxes offer, as may be imagined, an infinite field of abuse. They are of all descriptions, some of them of a very weird character."⁶

On a cursory look of the types of taxes and perquisites exacted annually from the poor cultivators during Dogra rule, it might be imagined whether Dogra rule had any norms of justice. W.R. Lawrence has in his book "The Valley of Kashmir" described the exactions that were made in 1880s from poor villagers, a brief extract whereof is given ut-infra:

(1) Produce of soil. "The state took three quarters of rice, maize, millet and buck wheat; and of oil seeds, pulses and cotton, the share taken was nine sixteenths. This system lasted till A.D.1860, when the state reduced its share to a little over one-half."⁷

(2) Taxes were imposed on walnut trees, vegetable lands, jungle produce, grass and village officers.⁸

In 1883, following taxes were levied in addition:

(1) Sala (A tax on account of a Sanskrit school). Note that learning of Sanskrit language was exclusively for the microscopic minority of Kashmiri Hindus. (2) Jalus (A tax on account of expenses of English visitors) (3) Kanungo tax (4) Patwari Tax, (5) Tax on account of Maharaja's temple, (6) Khidmatgar's tax, (7) Tax on account of establishment, (8) Tax on account of land granted to Chakdar (feudatory). "This was a very common incident in Kashmir villages. A Pandit (Kashmiri Hindu) obtained a grant of waste land in a village, but neglected to cultivate it. The State then insisted on the village paying the assessment fixed on the grant, whether the land was cultivated or not." (9) Tax in lieu of ponies seized by the State and paid for at prices far below market prices, (10) Nazrana (Presents) (11) Tax for support of temples. (12) Tax on occasion of marriage in Royal House. (13) Tax for dispensary.⁹

The perquisites (Rasum) taken in addition to the afore-said revenues included exactions in cash and kind as follows:

Details of one village.

S.No.	Particulars	Exactions in Chilki Rupees.
(1)	Tehsildars	12.00
(2)	Tehsildar's Assistant	8.00
(3)	Naib Tehsildar	8.00
(4)	Naib Tehsildar's Assistant	5.00
(5)	Parcha Navis	5.00
(6)	Mir Chaudri	5.00
(7)	Ahd Ghanai, Assistant to Mir-chau.	11.00
(8)	Mir Zilladar	5.00
(9)	Zilladar	10.00
(10)	Rasad Talabana	25.00
(11)	Blankets	10.00
(12)	Ponies	22.00
(13)	Cotton-One Kharwar	5.00
(14)	Ghee taken	12.00
(15)	Sheep taken	6.00
(16)	Violets, Zira and Guchis	4.00
(17)	Chob-i-Kot	1.00
(18)	Wool	12.00
(19)	Grass	8.00
(20)	Share of crop taken by Ziladar	9.00
(21)	Share of crop taken by Mir Chaudri	7.00
(22)	Crop taken by Patwari & Lambardar	7.00
(23)	Amount taken by Police	6.00

(24)	Tehsil Establishment	7.00
(25)	Wasil Baki Navis	10.00
(26)	Sihaya Navis	3.00
(27)	Tehsil Treasurer	3.00
(28)	Tehsil Kanungo	4.00
(29)	Fowls taken by other Officials	5.00
(30)	Tehsildar's fine (uncredited)	10.00
(31)	Miscellaneous ¹⁰	2.00

Note that the purchasing power of a Chilki rupee at that time was that: One Kharwar (Two maunds) of cotton costed five rupees (Chilki) and Twenty fowls costed five rupees (Chilki) only. "There were numerous other taxes, which were paid by the people. Even the sale proceeds of horses were taxed at exorbitant rate of 50 percent."¹¹

Robert Thorp, a Britisher, who wrote numerous articles for British News papers, was killed in 1868 at Srinagar by "the murderers employed by the Maharaja,"¹² for exposing the atrocities of Dogra rulers and criticizing the British felony in concluding the Treaty of Amritsar. About the Hungry Vultures in the higher echelons he says that, "Nor was it a ruler only whom we (British) forced upon a reluctant people, but the crowd of rapacious and unprincipled ministers, courtiers, hangers on of every grade who followed the fortune of Gulab Singh. These, raised like himself from the lowest classes, and invested with the titles of Diwan, Wazir, Tehsildars etc. descended upon Kashmir like a flock of hungry vultures. They swept away the prosperity and happiness of its people, and their descendants are worthy of their ancestors. The Diwans, Tehsildars, Thanedars etc. who rule Kashmir are, as a rule avaricious, mean and cruel; wholly untrustworthy; and powerless apparently to conceive of the ideas of truth and justice..."¹³

Diwans, Wazirs (Ministers) and military personnel were generally taken from the Hindu Dogras of Jammu and other hungry vultures in all other echelons from the microscopic minority of Kashmiri Hindus. Majority community of Muslims remained despised. "The Kashmiri Muslim lost both dignity and valour, as he was kept out of administration and in particular all the defence establishments. A ban was put on his entry in to armed forces. He was made to do forced manual labour... This land of fable and romance (Kashmir) became a veritable hell for him. He felt in the grip of appalling squalor, poverty and misery."¹⁴ This sort of situation in Kashmir helped the sustenance of alien rule over a longer period than expected, which was all in the interests of Dogra regime.

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ILLEGITIMACY OF DOGRA RULE AND DEPOSITION OF MAHARAJA

In 1884, Russia seized Panjdeh. People of Yasin, the northern most State across Indus revolted. Borders of North Frontier became tense. Ranbir Singh died at that very juncture in 1885 and his eldest son Pratap Singh succeeded him. Second half of 1880s was a period of nightmare for the Dogra rule. Unaware of the natural phenomenon that all froward potentate are, sooner or later, brought to naught, Gulab Singh Dogra and his son Ranbir Singh Dogra had, during their rule, imagined that they were themselves the State. Their successor Pratap Singh saw where the Dogra rule actually stood in the face of the Treaty of Amritsar vis-a-vis Sovereignty. Soon he succeeded his father, the British, on the pretext of introducing reforms in the administration, appointed a full fledged Resident in Kashmir in place of their Officer on Special Duty.

Kashmiri Muslim pinned high hopes in British Residency and regarded the Resident as his Saviour. Similar to a lamb tethered by the wild chase of hungry wolves, he sought refuge and protection of Man who gave him respite but ultimately knifed him off coolly.

"Early in 1886, some 17 or 18 Kashmiri Muslims who had interest in land sent two signed petitions to the Viceroy and the Resident, requesting them earnestly to appoint a compassionate, just and courteous Englishman as Settlement Officer in Kashmir."¹ The British appointed Mr. A. Wingate as their Settlement Officer in Kashmir. He "started the settlement operations at Jammu in April 1889 and completed within a year, the preliminaries of the settlement work of both Kashmir and Jammu (provinces)"² Mr. Wingate, then submitted an elaborate draft of rules, inter alia, in respect of the rights to be conferred on cultivators in the land which they cultivated. Under its rule 10, he recommended "that permanent occupancy right should be bestowed on every man who at settlement agreed to pay the assessment fixed on the fields entered in his name in the Settlement papers and that as long as the assessment is paid, such occupant should not be liable to ejection."³ Further Mr. Wingate added the "the occupant under conditions (there-in-after provided) will have the right of sale, mortgage or transfer."⁴ "These rules were not sanctioned by the State Council"⁵, for obvious reasons that the Dogra rulers would lose their control on the territory that they had got under the Treaty. Further the feudatories in Jammu and Kashmir came from Hindu communities, who would not like to disturb the feudatory system of land. "Kashmiri Hindus lodged such a campaign against that well wishing English officer (Mr. Wingate)

that he had to leave the (Settlement) work half way and resign."⁶

In 1889, Mr. Wingate was, however, replaced by Mr. Lawrence, the then Under Secretary to the Government of India in the Revenue and Agriculture Department. Under his able guidance and control the surveys of the fields and preparation of settlement records were completed in September 1893 at a cost of Rupees 3,37,010. In terms of the value of the rupee prevailing at that time, such a cost was an extra-ordinary one, but the venture too was very gigantic worth that expenditure.

While agreeing with the first part of Rule 10 of Mr. Wingate's draft rules about the permanent occupancy of the cultivators, Mr. Lawrence did not see eye to eye with its second part that the permanent occupant will have any right of sale, mortgage or transfer of land under his perpetual possession. He, however, admitted the strong feeling of the Kashmiri Muslims about this question and wrote; "An old Mussalman gentleman, resident in the city and unconnected with land, who had always worked hard in the interest of Mussalmans of Kashmir, frequently urged that the Kashmiris were entitled to the same rights in land as they would have enjoyed if the country had not been made over by the British Government to Maharaja Gulab Singh. He also warned me that anything short of full proprietary rights would be refused by the Kashmiris, and that general disappointment would be caused if I adhered to my views that the rights should be rights of hereditary occupancy, not alienable by sale or mortgage."⁷ Agreeing that this question was important, he willy nilly proposed a clause depriving the permanent occupant of land from the rights of sale, mortgage or transfer. This was probably because he had to face the opposition of the landed aristocracy of the Maharaja and that it would run against the principal clause of the Treaty of Amritsar, whereunder the territory of Jammu and Kashmir was transferred to Maharaja Gulab Singh.

The jolt that the Dogra rule suffered in 1889 was a serious one, when the bonafides of fake sovereignty got exposed. Maharaja Pratap Singh was replaced by a Council responsible to the British Resident. The Council composed of four members - Raja Amar Singh, Raja Ram Singh, Pandit Suraj Koul and Bhag Ram (All Hindus) and such other members as might be added from time to time by the Government of India. With all the lip service in favour of the Muslims of this country, the British Government did not place a sprinkling of Muslims in the Council; which was made, inter-alia, responsible for internal administration of Jammu and Kashmir under the overall

control of the British Resident. This measure was intended to curb the anti-British activities of Pratap Singh and to keep a still closer watch over the developments in the Trans-frontier politics across Gilgit. "Lord Dufferin had openly declared before the Chamber of Commerce in London that he would like the deposition of the Maharaja of Kashmir."⁸ Pratap Singh was, however, reduced to non-entity. "It was declared that the Maharaja of Kashmir ... surrendered his powers for a time to a Council of Regency."⁹

Deposition of Maharaja of Kashmir was necessary to the British Government, for the latter had lost faith in him and Russia was threatening its frontiers in the Hindukush at that time. In 1890 immediate attention was paid towards completion of Rawalpindi Srinagar Cart Road and improvement of communications between Srinagar and Gilgit for troop movement. The grip on the administration was tightened by the British Resident in Kashmir, although the business was outwardly conducted by the Council. Any decision of the Council, if found derogatory to the interests of the British, could be vetoed by the British Resident. In 1891, however, Pratap Singh was made the President of the Council, and the Council continued to remain responsible to the British Government.

During 1890s Muslim community started showing signs of some improvement, when an astute religious leader Moulvi Rasul Shah introduced private Islamia schools for the benefit of Muslims. In this venture it is said that he was helped and advised by some Muslims from outside whom the Council had appointed in the higher echelons of the Government for the first time in Kashmir. Before this, British Missionary had established a school in Srinagar, where mostly the children of Kashmiri Hindus would receive education. Muslims had certain constraints in putting their children in the Mission School. These included: (i) Muslims suspected that their children would be converted and (ii) "Hurdles (were) placed in their ways by the non-Muslim teacher in different ways, with the result that they were forced to leave the Schools."¹⁰ In due course of time, Islamia School in Srinagar received grant-in-aid and its status was raised from primary level to middle standard, which over a period of time grew from strength to strength.

As to the medical facilities, the Christian Missionary had established a Hospital at Drugjan and the Church of England Zenana Missionary Society had established a Women's Hospital at Rainawari. Epidemics, floods and famines were rampant and there was no attention paid towards sanitation. Record fatal years during so-called

Pratap Singh's rule were 1888, 1892, 1900, 1902 and 1910. It is said that the missionaries did help the people in a big way at such odd occasions, and saved thousands of people who would have otherwise perished.

Some educational concessions were granted to Muslims during Pratap Singh's time. Some remember Pratap Singh for his personal piety and religious tolerance and for his efforts in the direction of amelioration of the conditions of the populace in general. Others believe that reforms and/or the social infra-structure laid during Pratap Singh's period were due to the efforts of the British resident in Kashmir, yet one finds a marked difference and discrimination in the physical development that has taken place during his period in the provinces of Jammu and Kashmir. This is described in some length in the Chapter that follows.

In October 1905, however, the State Council was abolished after 16 long years and powers of Maharaja Pratap Singh restored conditionally, which included: (i) "That His Highness will exercise his powers as advised by the Resident and will take no step of importance without his consultation; (ii) That the annual budget of the State will be prepared and passed in consultation with the Resident. (iii) That all major Heads of Departments will be appointed or removed with the concurrence of the Government of India. (iv) That the Maharaja will appoint a Minister with the previous approval of the Government of India, who will be responsible for placing the business of all departments before His Highness."11

In the new arrangement the Maharaja was to be assisted by the Chief Minister. To the dismay of Pratap Singh, Lord Curzon, the then Viceroy of India bestowed that post upon Amar Singh who had played a prominent role in Pratap Singh's deposition. Amar Singh was also simultaneously installed as the Commander-in-Chief of the State forces. From this sort of arrangement it becomes sufficiently clear that Pratap Singh continued to remain in bad books of the British Government. He therefore continued to remain as a nominal head of the State. He tried for the removal of Amar Singh many a time but failed. He had no male issue in whom the possession of the territories of Jammu and Kashmir could vest after his death in accordance with the fraudulent Treaty of Amritsar. Therefore "he requested the Viceroy to allow him to adopt a son but his request was rejected."12

Amar Singh, however, passed away in 1909. Pratap Singh must have heaved a sigh of relief at this occasion, but to his disappointment, the state of affairs and his

activities continued to remain under full control and surveillance of the British Resident in Kashmir. "Some of the administrative and other reforms in Srinagar were introduced on the initiative of the British Residency and these in turn had a direct or an indirect effect on Public opinion... In fact the resident came to be regarded as a saviour by the people... This is evident from the petition which was sent in 1909 by some thirty representatives of Kashmiri Muslims to the Private Secretary of the Viceroy of India."¹³

Hibernation in the political activity in Kashmir was permitted to be relaxed and directed against Pratap Singh by the British. Some believed that there was a genuine desire for reforms and limited freedom, while some others thought the British gestures towards Kashmiri Muslims as an offshoot of their policy of Divide and Rule. Appalling conditions of the Muslim community, social injustices and misgovernment of the Dogra rulers were some of the wherewithal with which the British Government in India could safely play in this game. In 1912 Kashmiri Muslim Conference pleaded for appointment of State subjects in Government service. That demand was later met by the successor of Pratap Singh. This was a humble beginning of the political activity which gradually grew in enormous proportions in due course of time.

On the other hand, Pratap Singh either at his own initiative or at the instance of the British Resident had taken some measures for promoting education among Muslims. These included: (a) Aid was given to Islamia High School and other Islamic Schools. The aid given to Islamia High School was Rupees 3000 a year. (b) Some Muslims were appointed as inspectors of Schools. Also a Special Officer's post was created with an exclusive charge of Muslim education. (c) Scholarships amounting to 3200 rupees were given to Muslim pupils in high, middle and primary schools. Muslims could also participate in open scholarships. A small sum was also allotted for scholarships of Muslim girls. (d) The Mullahs were attached to some primary schools in the city (Srinagar) for the teaching of the Holy Koran in the lowest classes, and (e) Maktabas were encouraged by small grants.

The above measures had some good effect. The total increase of pupils in public institutions in the State was recorded as 4315 during 1912-14. Of these 2895 were Muslims. In the same period the number of Muslims in Middle Schools increased from 626 to 1521. A notable feature was large increase which took place in 1914 among the number of Muslims in private institutions. This rose in a single year from 3965 to 7325 owing to appointment

of the Mullahs in the State schools and aided Maktabas.

But in spite of this, the Muslims did not take any larger part in collegiate and secondary education. In 1914 there were only 32 Muslim students studying in two colleges of Srinagar and Jammu. As against this there were 147 Kashmiri Pundits (Hindus) studying in S.P.College (alone) in 1914"¹⁴

World War 1 (1914-18) and Socialistic Revolution of 1917 in Soviet Russia were the two great world events, which ensued simultaneously. World political situation changed. Gilgit the root of all the evil in the Kashmir problem, continued to remain a watch station of the British. Political activities in Kashmir against the Dogra rule started showing a rising trend. Pratap Singh's posture against the British started getting exposed. Ban on political parties and Press was soon imposed in 1918 by Pratap Singh without the consultation of the British Resident in Kashmir. This sort of action was against the conditions imposed by the British on Pratap Singh in 1905. The British therefore exacted a written undertaking from Pratap Singh to work under the directions of the Resident in all matters.

Developments in Indian sub-continent, on the other hand, moved apace against the alien rule of the British Government. By then the Liberation Movement had gained momentum in all the provinces of the British India. The valiant people of undivided Punjab had brought the freedom movement to a dangerous stage, which compelled the British to impose Martial Law there in 1919. But in Kashmir, the Liberation Movement was directed against the Dogra rule.

In a hope to get rid of the British supremacy and attain some sort of sovereignty over the people of Kashmir, Pratap Singh ventured to make a political move against the British. He met Gandhiji in 1919 at Kumbh Mela and invited him to visit Kashmir. Pratap Singh would very much like that the people of Kashmir be invoked against the British Government so that the Dogra rulers could escape the requite of their ill treatment and tyranny. But to his dismay and disappointment Gandhiji did neither pay any immediate heed to his invitation, nor did he visit Kashmir during Pratap Singh's life. Was it that Gandhiji knew that the people of Kashmir had heavily suffered under the Dogra rule and any attempt in re-directing their opposition towards British Government would not be successful? Was it that he was not very much concerned with Kashmir, which he believed was a Muslim state; and he would have to listen to Muslim grievances

against Hindu Dogra rule? Was it that he was aware of the non-sovereign rule of Dogra family under the Treaty of Amritsar and understood that the Kashmiri Muslims would seriously question him the legitimacy and bonafides of the Dogra rule over there? Later events of 1931 proved the latter contention.

However, such tacit tendencies on the part of Pratap Singh could hardly be tolerated by the British. Therefore the idea of creating a Council - reminiscent of the one that existed before, was revived with more seriousness on the pretext of launching a reform in the administration; but actually with the aim to strengthen the British hand in Kashmir affairs and drive the wedge more deeper than before between the Dogra ruler and the populace. A new State Council of the members was constituted in 1922.

Much to the dislike of Pratap Singh, 27 year old son of Amar Singh (Arch-opponent of Pratap Singh), Hari Singh Dogra was appointed at the directive of the British Government, as the senior member of the new Council. Incited by the British, Hari Singh Dogra soon asked for decentralization and subsequent delegation of powers to the Council. In 1923 "Pratap Singh was told to renounce his position as president of the Council in favour of Hari Singh."¹⁵ English daily "Siyasat" dated 7-8-1923, published a statement of Sheikh Atta Mohmad an advocate from Lahore saying that "The State exists on the shoulders of these 24 lakh Muslims and their hard earned money fulfills the State Treasury, but their share in administration is nil."

It was in such a situation that in October 1924 a deputation of Kashmiri Muslims managed with great difficulty to present a memorandum of grievances to the Viceroy Lord Reading on his visit to Srinagar. The memorandum, among other things, demanded that land ownership rights be given to peasants; that more Muslims be employed in the State services; that they be given better facilities for education; that "begaar" (forced labour) be abolished and all mosques in the possession of Dogra Government be handed over to the Muslims.

In the same year (1924) "Maharaja was told to abstain from (attending) meetings of the Council, where the work could go on during his absence and he would be informed of the proceedings. Pratap Singh had to yield. The following year he passed away, a forlorn and a frustrated person"¹⁶ Thus ended the fake non-sovereign rule of 40 long years (1885 A.D. to 1925 A.D.) of yet another Dogra ruler in smoke.

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REFORMS DURING PRATAP SINGH'S RULE - AN OUTCOME OF RIVALRY

A cursory glance in retrospect on the achievements made during those 40 years of illegitimate, turbid and uncertain sort of government (1885 to 1925 A.D.) shows that Kashmir Province was not completely neglected as was the case during the rule of other two dogra rulers who preceded Pratap Singh. As to the infra-structures, both physical and socio-economic, Pratap Singh made heavy contribution in developing Jammu region. Ranbir Singh canal was constructed from Chinab river at Akhnoor to Ranbir Singhpora, which, with its tributaries brought under its command a vast stretch of arable lands under irrigation in Jammu region. A power house was constructed on the Ranbir Canal on the right bank of Tawi river in Jammu city. This project gave a fillip to economic activity in Jammu. One steel bridge over a span of more than one thousand feet (the longest in Kashmir State at that time) was constructed across Tawi river, which was connected with a net work of arteries built all over the Dogra districts of the Jammu region. One pumping station was installed on river Tawi and piped water supply was made available in some parts of Jammu city free of cost. Ranbir Public Library, Prince of Wales college (later named as Gandhi Memorial college), Mission School, S.R.M.P. High School, Military Hospital, Sadar Hospital. Leper Asylum, Mission House, Dak Bungalow, Silk factory, Luxmi Narayan Temple and Radha Krishen Temple, all in Jammu city, owe their existence to this Dogra ruler - Pratap Singh.

Infra-structures in Kashmir province were considerably low. On the regional development of Kashmir Valley hardly any attention was paid by this dogra ruler. But he made a history in connecting the provinces of Jammu and Kashmir. Among the memorable contributions of his period is the road running over a length of about 200 miles through hilly and precipitous terrain connecting the two capital cities of two different regions of Kashmir State. Banihal Cart Road, as it was named, is a record engineering venture of the Dogra period, when such projects in whole of Indian sub-continent were almost impossible. This was a multi-purpose project in the whole territory of Kashmir, which, besides other things, helped the Dogra rulers to hold Kashmir Valley and keep the activities of its people under their close vigil and control. Economically, however, this project benefitted the people of both the provinces; for it made easy movement of the people and goods and installed an impact on trade between the two important regions - Jammu province and Kashmir valley, and promoted comparatively faster urbanization.

Infra-structures in Srinagar city, provided during Pratap Singh's period, consisted of a small wooden bridge of about one hundred feet long over Chunti Khul (a brook) at Barbershah, some repairs of existing bridges and roads, construction of Sri Pratap Library, Sri Pratap College and Sri Pratap High School, S.M.G.H. Hospital, Leper Asylum and a silk factory. Piped water supply was, as in Jammu, made available to some parts of Srinagar free of cost. A small power house at Mahora was started during his rule for electrifying the capital city of Srinagar.

Though smaller in measure and magnitude than that of Jammu region, the fact remains that the capital city of Kashmir Valley did receive attention in respect of provision of socio-economic infra-structures during Pratap Singh's intermittent subjective rule over Kashmir. To whom should the credit go needs to be examined as it has a bearing on the behaviour of alien rule in general. Was it that the British was committed to introduce reforms in Kashmir that this sort of gesture fell to the lot of Kashmiri Muslim? No! That does not merit acceptance. British had undoubtedly their own interests in this game. During Pratap Singh's loose hold over this country, the British strengthened their grip over its administration. Gilgit Agency, the pivotal part of the British interest in Kashmir, was re-organised and brought under the control of British Resident in Kashmir. Was it that forty years of Pratap Singh's so-called rule, as has been contended by G.H.Khan in his book "Kashmiri Mussalman", are remembered for many public works, his personal piety and religious tolerance? Against this sort of version goes the argument that if this Dogra ruler had any soft corner for Muslims, or if he had any religious tolerance, he would have permitted entry of Muslims in due share in Civil and Military establishments; he would have abolished "begaar" (forced labour) imposed by his government and his ancestors on poor Kashmiri Muslims; and he would have returned the Mosques to Muslims which lay under the possession of his government. Such gestures would, obviously, help him in obviating the interferences of the British. He would win the hearts of Muslim majority, and perhaps he could then set up the processes of democracy in Kashmir and gain Sovereign rights to rule Kashmir, which the Dogra rulers were devoid of, ever since inception of Dogra rule. During his intermittent rule there were incessant complaints against him from the Muslim community, and even at the fag end of his fake rule, Kashmiri Muslims submitted a memorandum of grievances to the Viceroy of India in 1924.

The obvious contention that holds some ground is that such measures could be safely attributed to the outcome

of rivalry between the British Government and Pratap Singh that the Muslims received fringe benefits of educational reforms and some social infra-structures and escaped the sharp brunt of the Dogra alien rule to that extent during this period. This contention has a strong basis of a corollary that British desired no reforms or social justices what-so-ever for the Kashmiri Muslims when Gulab Singh dogra and his son and successor Ranbir Singh Dogra were hand in glove with the British. In the war of Indian liberation (Mutiny 1857), Ranbir Singh Dogra fought as a British ally against the patriotic Indian soldiery. He called the Indian patriots as trouble makers and faithless bastards. He got the title of "Star of India" from the British for this sort of his timely support that he unconditionally offered to them. British had no soft corner for Kashmiri Muslims when they concluded the fraudulent treaty of Amritsar with Gulab Singh at their back. Lt. Col. Lawrence, during Gulab Singh's fake rule was not in a mood to listen to the grievances of the Kashmiri Muslims against the avaricious and torturous rule of Gulab Singh Dogra. On 28th November 1847, he remarked: "...there are no such sturdy beggars or yellers as the Kashmirians."¹ In 1890s W.R. Lawrence recommended: "I would counsel the Durbar to consider carefully whether it is necessary to confer the right on the Mussalmans of Kashmir. They are ignorant and very short sighted. They are poor and would most certainly squander the wealth which would at once be handed over to them if the State now gives the right to sell and mortgage the occupancy right."² Note that ownership rights of land were changed in to possessory rights by dint of the fraudulent sale deed of Kashmir under the Treaty of Amritsar. Friendship between the Dogra rulers and the British resulted, inter alia, in tyranny and torture of the Kashmiri Muslims. The outcome of the rivalry between Pratap Singh and the British was therefore the primary factor responsible for the reforms in education and provision of limited socio-economic infra-structures in Kashmir valley during the so-called rule of Pratap Singh Dogra.

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Treacheries, conspiracies, incessant spying and interference in internal matters, loyalties and sycophancies were the patina of political edifice during British rule over Indian States. Pratap Singh's deposition by his brother Amar Singh in 1889 was brought about under the same techniques by the British when they lost confidence in the former. They installed Amar Singh as a fake ruler of the fake State in the garb of so-called State-Council and used him as such till his death. On Amar Singh's death, Pratap Singh Dogra begged all sorts of apologies and assured the British of his loyal behaviour in all matters. So he was re-instated. He did show his loyalty in the beginning and in fact provided all possible help to the British during the World War- 1 (1914-18), but soon he was suspected of transcending the limits of loyalty and playing against the British interests. A new State Council was constituted and Pratap Singh's arch opponent, his own nephew Hari Singh was appointed as its Senior member. Pratap Singh could not sustain this fateful event at the fag end of his life and he soon expired in 1925.

Hari Singh Dogra succeeded suo-moto on 23rd September 1925 at the age of thirty. Besides being loyal to the British, Hari Singh had been trained to the tune and taste of the British in Special Chief's colleges, where "even a boy of high birth would not be admitted, unless he or his father were a darbari, i.e. entitled to assist (the British Government) at the darbars or assemblies of notables of States, or British districts."¹

The British Resident in Kashmir, however, continued to hold his sway in all important matters of internal administration. Conditions, which had been imposed by the British on the functions of the Council and/or on the fake Dogra ruler in the past, however, remained unchanged. Hari Singh Dogra was conscious of the fact that he had to act in accordance with the directions of the British Government. The memorandum submitted by the Muslim representatives of Kashmir to the Viceroy of India in October 1924, was still under consideration of the British. He therefore, hastily declared: "Just is my religion and merit alone will be considered the deciding factor for all types of employment. Caste, creed, religion or sex will receive no consideration."² This sort of statement meant due representation of Muslim majority in civil and military establishments. But would he venture to do so under the age-old built up system of recruitment that was predominantly oriented towards the elimination of Muslims from the administration and

providing jobs to the Kashmiri Hindus in the civil establishments and to the Hindu Dogras in the military services.

For administration purposes, in particular, the British had divided India in two parts - British India under their direct control and Princely States under the control of their Chiefs subordinate to the British Government in various degrees, more or less conforming to the treaties and/or agreements concluded with them and/or their ancestors. In British India freedom struggle against the British rulers was intermittently affected by the differences in the policies of Indian Congress and All India Muslim League; while in States the picture was little baffling. Most of the Princes hardly believed if the Indian people would succeed in their struggle against the British; yet they would not mind if the people in the Indian states joined the freedom movement, which was directed against the British; for in that case they aspired to achieve full sovereignty over their subjects.

Hyderabad, Junagarh, Kashmir in particular and some other States had political heterogeneity manifest in the differences of their peoples with their rulers - undoubtedly emanating from their religious differences per-se. People in Kashmir were on the horns of dilemma. Should they get rid of the British, whom they at times, due to their helplessness, counted as their saviours; or fight against the illegal and illegitimate Hindu Dogra rule, which had wrought havoc over the past 80 long years. To Kashmiris, Dogra rule was as alien as the British rule to Indians. Therefore Hari Singh Dogra could not alter these basic differences and gain the confidence of the Muslim majority of the State, though he was comparatively liberal than his predecessors. To safeguard the Kashmiri Hindus in the Government employment, Hari Singh appointed a State Subjects Definition Committee. The definition arrived by the Committee was accepted by the Maharaja in 1927 and "he declared that none who was not a hereditary State Subject should be appointed to any post in the State service big or small, without his own express permission."³ Though it was contended that this measure would protect Kashmir from its traditional menace of outsiders, the idea was that he would see that Kashmir remained independent, if India got freedom. This measure, however, helped the Kashmiri Hindus in the short run; as they became the cogs and nuts of entire administrative machinery of the State. In the long run, it protected the interests of the general populace in transactions of immovable property - land and buildings. Hari Singh Dogra, however, remained as reluctant as his predecessors in permitting the entry of Kashmiri Muslims in military

services. "Mediocre Rajputs (too) became Heads of various Departments of the State administration. The military was exclusively reserved for the Dogras, particularly Rajputs."⁴ The regiments of the Maharaja were formed by Hindu Dogras with a sprinkling of Gurkhas, Muslim Dogras of Jammu and Kangra Rajputs. Gazetted appointments in the civil services mostly fell to the lot of microscopic minority of Kashmiri Hindus, who consisted of only 2 % of the total population of Kashmir. Muslim majority consisting of more than 80% of the total population were kept out of the administrative establishments. This tarnished the image of Hari Singh Dogra beyond redemption in the eyes of the populace in the early stages of his non-sovereign rule.

At the directive of the British Government, Hari Singh Dogra made a beginning in the direction to secure a more regular government, a more fore-seeing administration and a purer justice. He was obliged to introduce a regulation system, founded on laws and rules whose normal working was ensured by the efforts of well trained and fairly intelligent officers. In his Council of Ministers he introduced ministers and advisers of good talent whom he frequently obtained from outside Kashmir. A senior officer of the British Government in India by name Sir Albion Banerji was appointed by him as his Senior Minister cum Political Minister. On assumption of his charge, Sir Albion first took stock of the appalling conditions of the people prevailing in various parts of Kashmir. Till then Gulab Singh and his successors had held sway on the illegally occupied territory by means of wanton suppression and oppression for 80 long years. During Sir Albion's service under Dogra rule, first signs of peoples dissatisfaction and hatred against Dogra rule appeared in the year 1929. Some Kashmiri Muslims submitted a memorandum to the British Viceroy in India, wherein they prayed that the Dogra ruler in Kashmir should remove the grievances of the people and restore the mosques back to the Muslim Community, which the Dogra rulers had put to the use of stables of Polo horses of the Dogra princes. Hari Singh expelled the signatories of the memorandum and confiscated their properties.

Sir Albion advocated overall reforms in the direction of amelioration of conditions of the poorer sections of the people. The authoritarian stubborn ruler would not accept. Sir Albion Banerji soon resigned in 1929 after serving in the State for only two years. Reasons for the resignation are not precisely known. Was he averse to Hari Singh's conduct? Was it that he disliked repressive measures of his government? Was it that British Government directed him to resign for these reasons or any

other reason? After his resignation he, however, gave an interview to the Associated Press of Lahore on 15th March, 1929, where in he made the following observations on the conditions of Muslims prevailing at that time in Kashmir.

"Jammu and Kashmir State is labouring under many disadvantages with a large Mohammedan population absolutely illiterate, labouring under poverty and very low economic condition of living in the villages and practically governed like dumb driven cattle. There is hardly any public opinion in the State. As regards the Press, it is practically non-existent..."⁵

Training of Indian Princes by the British did not prove of much avail. Joseph Chailley remarks that "the fact remains that hitherto the Chief's colleges have not fulfilled the hopes to which they had given rise, and that most of the princes who have passed through them have not been specially successful rulers...But if we wish to form an idea of what the bulk of Native States still are, we must think of the Europe of the Middle Ages. We shall find the same practices, the same sufferings, the same prejudices and the same barbarity."⁶

Educational reforms introduced for the benefit of Muslims in particular in Kashmir in late nineteenth century, bore some fruit in 1920s, when some Kashmiri Muslim Youth joined different Universities out side the State. They were exposed to political developments which took place in India at that time. In 1929 All India Congress passed a resolution demanding full independence of the Country. They witnessed different phases of Civil Disobedience Movement that started in 1930 A.D. against the British. Some Muslim youth returned to Kashmir in April 1930 after obtaining post graduate qualifications in various subjects from the Aligarh Muslim University. In December 1930 A.D., some Kashmiri Muslim graduates also participated at the Allahabad Session of the All India Muslim League. Presidential address delivered by Dr. Sir Mohmad Iqbal, at this session covered, among other things, policy declaration of All India Muslim League in respect of: (a) Muslim thinking on communal settlement with Hindus in India, (b) Positive and Negative aspects of Communalism, (c) Likely partitioning of India and formation of consolidated North-West Indian Muslim State, (d) Creation of autonomous States as the basis for stable constitutional structure in India, and (e) A system, which negates the principles of true freedom or fails to recognize a distinct political entity, was not acceptable to the Muslim League.

These ideas must have installed substantial impact on the participants in particular and other Muslims of India in general. Soon a batch of these qualified young Muslims returned to Kashmir in 1931 A.D. All those Muslim graduates who qualified in 1930 and 1931 tried to secure jobs in the Hari Singh's Government in echelons commensurate with their qualifications and merit. They got disappointed when superior posts were denied and lower jobs of school teachers and assistants offered to them instead; when "many of the gazetted officers (Kashmiri and Dogra Hindus) were mere matriculates... and a Dogra Rajput (Head of the Department) would sign the official documents by his thumb impression."⁷ Even in the law courts, non-muslims who had no training in law could practice in law and be recruited in non-compatible positions. "The educated Muslim young men (therefore) began to organise themselves; founded a Reading Room and organised a party at Srinagar consisting of one Mohmad Rajab as its President, Sheikh Abdullah as Secretary and Pirzada Ghulam Rasool, Ahmad Shah Fazili, Hakim Gulam Murtaza and Mufci Jalaluddin as its self selected members. "A deputation of two members met the State Cabinet ...who refused to reserve jobs for the Muslims."⁸ Hari Singh was no longer in a mood to fulfill his promise to consider qualification and merit of Muslims for appointment in higher echelons. Basis of recruitment of Government jobs, in those days was that, "the Government could fill up 60% of vacancies without reference to the (Recruitment) Board. For the remaining 40% vacancies, a condition was laid that the candidate should produce a certificate of high birth."⁹ Kashmiri Hindus and Dogra Hindu Rajputs were deemed to be from higher castes of Hindu community. They were therefore eligible to apply and others were not. Muslims had a sprinkling of families who were included by the Dogra rulers in the list of superior birth. This sort of discrimination ultimately proved disastrous for the Dogra regime.

An agitation of a worst sort against Hari Singh's autocratic rule ensued in July 1931. Was it that this was a part of the imperial design to cut down Hari Singh to his size or cow him down or that the upheaval was a sequel of the non-stop repressive measures against the Muslims and/or the campaign lodged by the Muslim Press in Punjab or that the sequel was an outcome of hatred against the Dogra rule? Whether a milieu of many a factor was responsible or a particular factor weighed heavily in this agitation is a matter which has a bearing on the variables of Kashmir problem in due share and merits analysis and assessment which can, besides other things, be had from the background provided and the events that followed.

In early 1931, "the Maharaja... flamboyantly delivered pro-Congress speeches at the (third) Round Table Conference (in London) enraging his imperialist master."¹⁰ With that sort of anti-British posture at London, did Hari Singh plead for the people of India or the Princes of Indian States? Nay! at least not for the people of Kashmir, for they neither recognized him as their leader nor as a bonafide ruler. They always tried to get rid of the illegal and illegitimate Dogra rule from its inception till its end. Hari Singh in fact pleaded for the princes of India in general and for his own future in particular. He would very much like to get rid of the British and attain sovereignty for himself over the territories acquired under the fraudulent treaty of Amritsar. His ancestors also aspired for sovereign status over the people of Kashmir, but the British cleverly restrained their status to feudatories under whose independent possession the territories were allowed to rest. The people of Kashmir were neither prepared to concede them any sovereign status nor recognize their illegitimate so-called Independent Possession of the territories of Kashmir.

The British, however, would like to cut Hari Singh to his size, and curb his political activities, rather permit his pro-Congress attitude to persist and move any further against the British interests in the Indian sub-continent. For a similar sort of conduct Pratap Singh had to suffer heavily at the hands of the British in the past. On the pretext of reforms in favour of the Muslims, he was deposed twice even from the fake rulership. Now was the turn of his successor Hari Singh Dogra. The people - the weakest part in the fake Dogra rule was brought in to play again. Sir Albion Banerji had resigned from Hari Singh's Council seemingly for reasons of repressive measures adopted by the Dogra Government against the people. G.E.C. Wakefield had been taken in his place as the Senior Minister cum Political Minister of Hari Singh's Council, in accordance with the directive of the British.

It was during that period that the extraneous elements were brought in to play in the Kashmir politics. The igniting agent was strong enough to raise the local Muslims, at least for a short while, from their political hibernation as fresh as they were during the self rule of Shahmiri Kingdom. The events that ensued and the spirit of unity that was displayed by the Muslims of Kashmir as a whole proved once again that their political aspiration for independence had survived in spite of all sorts of tortures under the alien rule of Mughals, Pathans, Sikhs and Hindu Dogras. The political movement against the non-

sovereign and illegitimate Dogra rule was first started by valiant Muslims of Jammu; though a possibility was always there that the same was instigated by some interested party from outside. They had formed a political body by name Young Men's Muslim Association. Among others Chaudri Gulam Abbas was on the executive Council of that political body. Members belonging to the Ahmedia Sect played leading part in bringing about the agitation. Ahmadis, in those days, enjoyed an unstinted support and patronage of the British Government. They acted as agents of the British on one hand and tried to propagate the tenets of Ahmadia religion on the other.

The Reading Room party of young Muslim graduates in Srinagar had been formed as a result of denials of their employment opportunities by the Dogra Government. Instead of protesting to that effect, they highlighted the repressive measures adopted by Hari Singh's government against Muslims of Kashmir. They started a violent campaign against the Hindu Maharaja in the columns of "Inqilab" - a daily published at Lahore. Entry of this daily in to the State was soon banned. But other news Weeklies and dailies like "Kashmiri Musalman", "Kashmiri Mazloom" and "Maktoobi Kashmir" soon poured in the State from Punjab.

It was during this period that a stranger by name Maulana Azad Subhani, the Priest of Jamia Masjid of Calcutta appeared on the scene unexpectedly at the Srinagar Reading Room. "He was the top leader of the Pan-Islamic movement."¹¹ He appreciated the working of the members of the Reading Room party, incited them to launch an agitation against Hari Singh and disappeared from Kashmir surreptitiously. When Hari Singh's Government learnt of his activities in Srinagar, a search to locate him was started. But he could not be found. Note that this person had come all the way from Calcutta - the seat of East India Company. His modus operandi showed that he was not so much interested in ameliorating the conditions of Muslims of Kashmir as he was interested towards the intimidation of Hari Singh by the people; so that he (Hari Singh) could become a cat's-paw like his father and toe the line of the British.

In the beginning of 1931 A.D. there was yet another development. A few incidents occurred in Jammu city. On 29th April 1931, one Hindu Dogra sub-inspector of police interfered in the Sermon of a Muslim priest on Id-day. This obviously constituted a grave misdemeanour on the part of the police officer and resulted in sacrilege. Soon after this incident, a Hindu constable in the Jammu Police Lines disrespected Holy Koran. In another incident

in Jammu again, the agents of Dogra regime stopped the Muslims from offering their Friday prayers. Such actions constituted grave violation of the tenets of Islam. A cry of "Islam in danger" was raised. Against this undue interference in the religious affairs of Muslims, the 'Young Men's Association' of Jammu distributed posters in the nook and corner of Kashmir.

One young man was caught by a policeman in Srinagar pasting those posters on walls. A crowd gathered around and protested for his release. While dragging him towards the Police station of that area, situation turned serious and the man was released. The crowd at this event was guided by Moulvi Abdul Rahim and Gulam Nabi Gilkar (both Ahmadis) and one school teacher Sheikh Abdullah. They directed the crowd to form a procession and led the same towards the Jamia Masjid chanting slogans against the government of Hari Singh. When the procession reached Jamia Masjid, a gathering of about 15000 Muslims had already reached there. They had a meeting under the chairmanship of Moulvi Yousaf Shah, the head priest of Kashmir.

While the role of Ahmadis at this event was tacitly a leading one, the illiterate and innocent people protested that the Dogra government punish the officers who had indulged in the religious affairs of Muslims and were guilty of misdemeanour; Sheikh Abdullah would cry that the agitation would not be given up until the educated Muslims were absorbed in the government services. He in fact tacitly desired that he should be absorbed by the Dogra government in some higher rank. Both the Ahmadis and this school teacher exploited the situation to the hilt. Among other things, these self styled leaders at that event demanded that the Dogra Government invite representatives of Muslims from all over Kashmir to plead their case before (so-called) Maharaja.

On a Friday congregation in Jamia Masjid, the head priest of Kashmir, Moulvi Yousaf Shah, unwittingly introduced this school teacher Sheikh Abdullah and advised them that they should follow him. This gesture raised him high and he became at once the leader. Being a teacher of a government school, he was directed to desist from taking part in politics. When he took no notice of the Government directive he was transferred to Muzafferabad. Abdullah refused to obey the orders of the Government, so he was dismissed. That was a turning point in his career. With patronage of Ahmadiya sect and the head priest of Kashmir he devoted his full time in activities directed against Dogra rule and organised meetings and processions of Muslims incessantly. That was what the British wanted.

The demand for inviting the Muslim representatives of Kashmir for submitting their grievances to the Maharaja was, however, accepted by the Government. Eleven representatives were nominated - seven from Kashmir province and four from Jammu. These included, among others, Choudri Gulam Abbas from Jammu and Moulvi Yousaf Shah (Head Priest) and Sheikh Abdullah from Srinagar, who in due course of time emerged as towering personalities in Kashmir.

At this very juncture, yet another outsider by name Abdul Qadeer appeared on the scene. It was said that he had come to Kashmir with an English Major Bhat of Yorkshire claiming to be his butler. He was staying with that English Major in a house-boat at Naseembagh close to Hazratbal - a place of highest congregation of Muslims on fridays. During his stay there, this man would attend friday prayers there and intermittently try to provoke Muslims against the torturous rule of Dogra regime. In one meeting at Khankahi Mualla in the heart of Srinagar city Qadeer joined the audience; and when it concluded and the leaders left the lawns of the shrine, he appeared at the dias and delivered a speech against Hari Singh. He highlighted the repressive measures and advocated violence. He said, "Oh you Muslims! Time has come that you retaliate sharply. Memoranda and requests will neither ease the repression and tyranny nor will solve the issue of disrespect of Holy Koran. You stand on your legs and fight against the tyranny..."¹² No one tried to ascertain the bonafides of this stranger speaker, whether he was not hired and used by the British. After some days, it came to the knowledge of the people that Qadeer was arrested in the house-boat at Naseembagh and charged for treason and treachery under Sec:124A and Sec: 153 of the Ranbir Penal Code. He would be carried by Police on foot from Central Jail to Sessions Court for trial, where people in large numbers would gather. When the situation seemed growing serious, his trial was shifted to the Central Jail itself.

A wave of wroth and anger spread like fire, and enveloped the whole Kashmir fairly at a high speed, most probably with the help and at the instigation of the extraneous forces, which were at work against Hari Singh at that time. On 12th July 1931 a public meeting was held at Gowkadal - a place in the heart of Srinagar. Thousands of Muslims gathered. In this meeting Moulvi Abdul Rahim and Ghulam Nabi Gilkar (both Ahmadis) spoke to the gathering. In their speeches they condemned the arrest and trial of Abdul Qadeer by the Government and advised the people to be ready for sacrifices. That way the feelings of poor

Kashmiri Muslims were roused against Hari Singh to a point where it led to serious consequences.

On 13th July, the trial of Abdul Qadeer started in camera in Central Jail located on the bank of Nagin Lake on the out-skirts of Srinagar city. A large crowd gathered outside the Jail premises and raised slogans of "God is Great"; "Long live Islam" and "Long live Qadeer". People protested against the trial in Camera and demanded his open trial. An advocate by name Moulvi Mohmad Abdullah pleaded on behalf of the accused. He too belonged to Ahmadia sect. As the trial proceeded, a group of Muslims set themselves aside for offering prayers. The outer wall of the Jail premises on south side, where the people had gathered, was dwarf. It could easily permit to cross over in to the outer lawns, where police lines had been set up. While one group of Muslims was busy in offering prayers, some persons from the crowd crossed over the outer wall of the Jail. The District Magistrate ordered arrests. Crowd became restive and stoned the police in charge of Jail premises. Soon the firing was ordered. The Hindu police instead pointed their guns on the peaceful gathering of Muslims who were busy with prayers. This sort of action infuriated the crowd and they resorted to violence. They cut telephone lines and set the police lines on fire. Hindu dogra police ran berserk and killed 22 Muslims and injured hundreds of them instantaneously. After the firing the matters took a grave turn. People lifted the dead bodies and seriously wounded and moved in a procession towards the city. An unprecedented storm checked the procession from swelling. A great havoc would, otherwise, have been caused.

Expectedly many a self styled leader and elected members of Muslims including Sheikh Abdullah - the top beneficiary of this episode, had remained indoors. The procession moved slowly towards Jamia Masjid without swelling much on account of the storm. After leaving the dead bodies inside the mosque, they carried the wounded ones to Maharajgunj Hospital which lay near-by. In the agora of the city the communal disturbances erupted. Some shops belonging to Hindus were looted. One contingent of cavalry soon arrived on spot and quelled the disturbances with heavy hand. At this juncture Sheikh Abdullah came to assert his budding leadership; and on sensing the posture assumed by Hari Singh's troops and police, he immediately changed his stance, advocated restraint and helped a bereaved Hindu family instead. Moulvi Yousaf Shah, Ashai, Shawl and Sheikh then met at Jamia Masjid that evening; got the gates of that mosque closed, and kept some young men on watch and ward of the dead bodies. Next day in the morning they found Jamia Masjid surrounded by Hari

Singh's troops and machine guns installed at vantage points. Mistri Yaqub Ali, Chaudri Abbas, Sardar Gohar Aman, Sheikh Abdullah, Moulvi Abdul Rahim and Gulam Nabi Gilkar were taken to custody. They were first lodged in the Quarter Guard Rooms at Badami Bagh and then shifted to Srinagar fort for security reasons.

At the initiative of one Anwar Shah Naqashbandi the twenty two martyrs were then permitted by the Dogra Government to be buried in the premises of Naqashband Sahib's Shrine that lay in the close proximity of Jamia Masjid. The uprising did not, however, end there. Big processions were taken out and demonstrations held in all the interior parts of Srinagar, all towns and important villages protesting against the injustices, suppression of civil liberties and repression of the Muslim community; and demanding, among other things, the release of their leaders. There were many a fracas at many a place in Srinagar and other towns, which resulted in more casualties, injuries and torture of the poor Muslim populace. Martial Law was imposed at various places. Dogra troops were sent to the nook and corner of Kashmir to check the uprising. People were flogged naked and forced to crawl across bridges and at the places of public importance. All such measures, however, proved futile. Moulvi Yousaf Shah and other Muslim leaders who had not been arrested, led the agitation with a sustained fervour. Business in Srinagar city remained paralysed for 19 days.

Punjab Press played a divergent role on this occasion. Hindu managed dailies like 'Milap', 'Pratap' and 'Tribune' implicated Mr. Wakefield - the Senior Minister of Hari Singh Dogra and held him responsible for having incited the agitation. Muslim Press of Lahore - 'Daily Inqilab' in particular charged Hari Singh for the suppression of civil liberties in the State and condemned the atrocities committed by the Dogra Government. An organisation by name 'Kashmir Committee' was formed by renowned Muslim leaders of India on 24th July 1931 in Lahore, apparently to fight out the cause of Muslims of Kashmir on all India level. The Committee was headed by Mirza Bashiruddin Mahmud Ahmad - the grandson and successor of Mirza Gulam Ahmad (founder of the Ahmadia sect in India).

The Dogra civil administration, which was predominantly occupied by Kashmiri Hindus realized that the agitation had a strong alien base and could not be checked by repressive measures alone. Some basic changes were deemed necessary. Hari Singh Dogra "discharged G.E.C. Wakefield and P.K. Wattal (two of his Ministers) and installed a

Hindu feudatory Raja Hari Kishen Koul as his Prime Minister... The leaders were set at liberty on 4th August 1931 (i.e. after 21 days of their arrest) on furnishing an undertaking that they would not deliver any speeches which might create communal bitterness."¹³ Raja Hari Kishen Koul belonged to Punjab. he claimed to be a Kashmiri Hindu, and his sur-name 'Koul' corroborated that claim. Hari Singh, however, by his adolescent and puerile actions, antagonized the British by discharging Mr. Wakefield and unwittingly placed a seal of recognition on the leadership of the representative body of 11 Muslim members of Kashmir. The movement instead of coming to an end, took a still more ugly turn against Hari Singh Dogra - the main target of the British Government and the people.

Kashmir Committee in Lahore gave a call that August 14, (1931) be observed by Muslims throughout India as a Protest Day against Dogra rule over Kashmir. "Meetings were held and resolutions passed sympathizing with the victims of firing on 13th July. The 'Kashmir Day' was also observed inside the State on a big scale."¹⁴ Within days there erupted yet another massive conflict between the fake ruler and the Muslim populace when on 21st September 1931 some Muslim leaders were again arrested. Kashmiri Muslims at this event set up a 'War Council' to fight the Dogra regime with whatever the weapons they had. First operation started from Khankahi-Mualla shrine, where the Dogra forces killed 4 Muslims and left dozens wounded. Muslims of Srinagar city came on streets to fight with crude weapons like swords, axes, cleavers and narchoos (Three-pronged spears) against the armed forces and machine guns of the Dogra ruler. Demonstrations of a dangerous sort were held all over Kashmir. At Islamabad town in Kashmir, at least 21 Muslims were killed and many more wounded. When situation became grave and explosive, civil administration in affected parts was suspended and Martial Law clamped. Srinagar and some other towns in Kashmir Province were placed under the military control. Muslims were arrested in large numbers and brutal methods of curbing the Liberation movement including flogging etc. reminiscent with the torturous methods of any despot in the world were adopted. The 'Kashmir Committee' in Punjab arranged lawyers at their own cost to defend the cases of arrested Muslims in Kashmir. They also sent their representatives to Kashmir, who helped the bereaved families of martyrs of that agitation with cash and kind.

Although the innocent and illiterate Kashmiri Muslims did not know that this agitation had a plot behind, they fought as bravely as they could with a sole motive to come out of the alien Dogra rule and be free. Most

unfortunate part of this episode was that young leaders of Kashmiri Muslim and also the head priest were understandably ignorant about the plot and incompetent to investigate the background and evaluate the implications of such an uprising; although it did pay its dividends to the young leaders in ways more than one, and to the down-trodden people in the form of their awakening. These events demonstrated the fact that the energy, talent and zeal for freedom in a Muslim of Kashmir State had not been crushed to naught under the subjugation of the alien rule of more than a century. All his talents and love for freedom had remained either in hibernation or in a simmering state, which only needed an igniting agent to explode any time in the history of his freedom struggle. The igniting agent for all such uprisings has, however, been supplied by extraneous agencies, sometimes by the genuine and bonafide sympathizers of the Muslims of the State, but more often by the enemies of rulers, alien governments who had their own vested interests in Kashmir.

While the demonstrations had spread all over Kashmir, Hari Singh Dogra again exhibited his vacillatory bent of mind and hastily issued a proclamation on 5th October 1931, ordering withdrawal of all emergency measures and lifting of Martial Law from all parts of Kashmir. All political prisoners were released.

In winter season Dogra Durbar, as usual, moved from Srinagar to Jammu. As a result of killings in Kashmir province, unrest in Jammu was heavily simmering. It burst in to violent demonstrations against the Dogra rule. Valiant Muslims of Jammu proved their metal and resisted the Dogra military and police, who inflicted on them heavy casualties. Day to day events in Jammu were immediately published in the Punjab Press. Chaudri Afzal Haq, Syed Ataullah Bukhari, Maulana Mazhar Ali Azhar, Sheikh Hissamuddin, Maulana Habibur Rehman and Dand Gaznawi had separated themselves from All India Congress party, and had formed All India Majlis Ahrar party in British India. At their instance, Muslims living across the border in Punjab raised a cry of Jihad (Holy war) and organised volunteers for helping Muslims in Jammu. Thousands of Muslim volunteers of Punjab crossed the border of Kashmir State and joined the fray in Jammu. This sort of infiltration added fuel to the fire and the situation became so dangerous that the same could not be suppressed by the Dogra police and military forces. A unique situation in the political history of Kashmir was caused by such an infiltration. Hari Singh was compelled to request the British Government in India for help. Seemingly, the British Government imposed no conditions

at this juncture on Hari Singh Dogra, and sent its troops. First contingent arrived on 4th November from Jullunder cantonment (Punjab). To curb the infiltration from across the State and suppress the disturbances, the British troops were immediately dispatched to the border areas along Suchet Garh route, wherefrom the Volunteers had entered the State. Within one week of the arrival of British troops in Jammu province of Kashmir State, the British Resident in Kashmir "delivered a peremptory note to the Maharaja (Hari Singh) demanding its acceptance within twenty four hours. Among other things, the note mentioned, the desirability of the Government of India to hold a full inquiry in to the grievances and demands of the Muslims under a completely unprejudiced British Officer."¹⁵ Abdul Majid Salik's version as reproduced by Sheikh Abdullah in his book 'Atashi Chinar' at page 133, reveals that Dr. Sir Mohmad Iqbal too had his hand in making Hari Singh agree through Nawab of Bhopal to appoint a Commission of Enquiry in Kashmir; but that sort of version does not fit well with the time limit of 24 hours prescribed in the peremptory note of the British Resident. What ever be the case, Hari Singh had, willy-nilly, to obey the orders of his master. Grievances Enquiry Commission was thus appointed on 12th November 1931 in the State under the presidentship of the British nominated officer by name B.J.Glancy - an European officer in the Foreign and Political Department of the Government of India. Membership of the Commission was, however, tailored by Hari Singh's Government to their own taste. Whereas 2% population of Kashmiri Hindus was represented by Prem Nath Bazaz, the then president of Pandit Yuvak Sabha (Hindu Young Men's Association), 17% Dogra Hindu community was represented by Lok Nath Sharma; 80% Muslim population was given only two seats on this commission. Chaudri Gulam Abbas and Gulam Ahmad Ashai represented the Muslim community. Under this sort of imbalanced representation of different communities of Kashmir State the redress of grievances of Muslims fell to the mercy of B.J.Glancy, who presided.

While the work of the Commission was going on, the Dogra representative understood that Glancy was inclined to admit some grievances of Muslims. So he resigned. But Mr. Bazaz continued with full zeal and determination to help his community as far as he could, for he knew that his community had grabbed the lion's share in civil administration and land under the system of the ruler's gifts to his loyal subjects of Hindu community.

Whereas the British troops, in the meanwhile, succeeded in suppressing the disturbances in Jammu city, the "unrest spread to the Mirpur district. It assumed a

menacing communal cum economic shape... Whole villages were burnt down ... in greater part of Mirpur, Kotli and Rajouri... British troops were despatched to the disturbed areas."¹⁶ On 21st January 1932, Dogra forces fired at a group of Muslims of Bhrote (Rajouri), who had gathered to offer their prayers. 25 Muslims were killed in that incident. The uprising in Mirpur, Kotli and Rajouri assumed new dimensions. They started civil disobedience movement under the leadership of Raja Mohmad Akbar Khan, Mr. Illahi Baksh, Kh.Wahabuddin etc. They rose in revolt against the 85 year old Dogra rule. Then at the instance of the British Resident in Kashmir, Hari Singh appointed two english officers by name Mr.Jardian and Mr.Lanther to take over as Civil Administrator and Inspector General of Police in the disturbed areas.

At this stage, when the British had achieved their objective of holding Hari Singh Dogra under their full control, by placing their troops in Jammu, they were obliged to change their stance simultaneously in favour of that fake ruler of Fake State - Kashmir. They stopped the infiltration from across and crushed Muslims with heavy hand, who had risen in revolt against Dogra rule. It was astounding that the British went too far in adopting inhuman methods and used War Planes of Royal Air Force also and bombarded the population of Mirpur, Kotli and Rajouri at that event. Human sufferings and the number of persons killed under such an operation could be only imagined, how heavy it could have been. When in protest against these killings, the Muslim leaders of Kashmir province held a public meeting at Khankahi-Mualla on 23rd January 1932 in Srinagar, they found themselves in a quandary. The mood of the Dogra Government was no longer of a complacency. Hari Singh was now hand in glove with the British. All the leaders were arrested and put on trial and sentenced in varying terms for violating section 144 of the Ranbir Penal Code, which prevents assembling of people at a place, and is normally of no serious significance.

With the suppression of the revolt in Jammu province, the activities of Ahmadiis and Ahrars outside the State came to a stand still and withered away shortly after this event. Mirza Mahmud Ahmad, the head of the Ahmadia sect in India, soon resigned from the presidentship of 'Kashmir Committee' and Dr. Sir Mohmad Iqbal was elected in his place. Entry of Dr. Iqbal in Kashmir was soon banned. Sheikh Abdullah and the local leaders of Ahmadia sect in Kashmir then lost the patronage of Mirza Mahmud Ahmad.

With the situation having tilted in favour of the British

Government, Hari Singh could no longer retain the man of his choice as his Prime Minister. He dismissed Hari Kishen Koul and appointed, at the directive of the Viceroy of India, a senior english officer of the political department of British India, by name Colonel A.G.D. Calven, as his Prime Minister. Mr. B.J. Glancy soon accomplished his task and submitted his recommendations to the fake ruler Hari Singh Dogra for acceptance on 22nd March 1932. Under the premiership of Mr. Calven, the recommendations of the Glancy Commission were accepted and published on 10th April 1932. The recommendations included "the desirability of extending primary education, an increase in the number of Muslim teachers, and appointment of special officer to supervise Muslim education. As to the crucial question of the distribution of Government posts, it was recommended that the minimum qualifications should not be pitched unnecessarily high. The Commission also recommended the grant of proprietary rights in respect of all land "of which ownership is retained by the State and the right of occupancy is enjoyed by private persons."¹⁷ By this important gesture, the basis of the Treaty of Amritsar was shaken at the root and Lawrence's recommendations of 1893, depriving the permanent occupant of land from the rights of sale, mortgage or transfer were also shelved once and for all. The recommendations of the Glancy Commission also included "abolition of several vexatious taxes and stressed the need for removing unemployment by promoting industries in the State."¹⁸ Abolition of 'Begar' (forced labour) was another mile-stone that the Glancy Commission achieved after its incessant application of 85 years under Dogra rule. "Freedom of Press on the lines similar to those which existed in British India"¹⁹ was also conceded. Mosques in possession of the Government were to be restored to Muslim Community.

The acceptance of the Glancy Commission's recommendations raised some hopes in the Muslim community that it was a good step which could help them achieve the ultimate objective of full freedom from alien rule. Kashmiri Hindus were aggrieved at these recommendations, for their interests in Government jobs and feudatory lands were affected. Prem Nath Bazaz was therefore asked to resign from the presidentship of Hindu Yuvak Sabha. Kashmiri Hindus then started an "Agitation for Livelihood" and demanded: (a) Allotment of Government land free of cost for cultivation; (b) Scholarships for Industrial training; and (c) Free aids for starting private factories and other vocations.

Hindu Press of Punjab started a violent and venomous campaign in support of the grievances of Hindus of

Kashmir. A delegation of Indian Hindus headed by the president of All India Hindu Maha-Sabha met Hari Singh Dogra in a bid to alleviate the effects of the Glancy Commission Recommendations on the Hindu community of the State. Hari Singh could not help, for he had accepted these recommendations in the capacity of a cat's-paw of the British Government. His Prime Minister Mr. Calver and/or British Government did not permit any relaxations in the Glancy Commission recommendations. But the modus operandi that followed in this behalf did reflect that the efforts of the Kashmiri Hindus and those of the Hindu delegation from India had caused a set back in implementation of its important clauses. The Dogra Government with preponderance of Kashmiri Hindus in civil administration and of Hindu Dogras in military services remained very slow in giving effect to important recommendations particularly those pertaining to land reforms and allocation of Government posts to Muslims in civil and military services. Thus the intensity of the uprisings of 1931-32 receded to a state of animated suspension.

In order to assess the key factor that mattered in such uprisings of 1931-32 and/or its implication, if any, on Kashmir Problem, the phenomenon of uprisings need to be examined in some depth. More serious and woeful atrocities had occurred intermittently before and incessantly after 1932 A.D. in both the provinces of Jammu and Kashmir. As already described loco-citato, in April 1865 at least 28 dead bodies were recovered by the people from Dogra forces. Many more were drowned and/or buried by the Dogra troops themselves. Hundreds were injured seriously. Both Kashmiris and Jammuite Muslims were mercilessly killed in many incidents in the past. One Britisher by name Robert Thorp, who pleaded for Muslims and exposed Dogra rulers in the outside press was killed on 22nd November 1868 and his herculean voice was drowned by Dogra forces. Still the Muslims achieved nothing in the past because the fake rulers like Gulab Singh and Ranbir Singh were hand in glove with the British. Whenever there was British interest missing from any agitation of Muslims, no trumpets would be blown in the Press outside the State about the killings and atrocities and no crocodile tears would be shed. So those purely indigenous agitations in the past neither cut any ice nor stood any longer for there was not sufficient potential and guidance available locally and there was no feed back. Slavery norms of Nineteen century were severe. Human Right's Charter was later ratified at the United Nations in 1940s for ulterior motives of Super powers.

Political developments of 1931-32 A.D. in Kashmir State are noteworthy in the sense that they had substantial

bearing on the future political developments and many a similarity with the later uprisings of 1947 and 1990, when Kashmir Problem attained new heights. The behaviour of the demonstrations in 1931-32 against the illegal dogra rule in Kashmir province, however, differed in substance from that of Jammu Province. In the former case, Dogra police and military killed innocent Kashmiri Muslims, who possessed no arms and had been deprived of the valiance ever since the inception of alien Mughal rule in Kashmir. In the latter case, however, valiant Muslims of Jammu took to arms against the Dogra Government. With the help of some volunteer force from Punjab, Muslims of Jammu could cause a situation for Hari Singh that he had to, willy-nilly, invite the British troops to help drive out Punjabi Muslims, who were in fact British Indian Subjects. That was an unique phenomenon indeed. That very fact proves that Government of British India was involved in organising volunteer infiltration, for they came from the area which was under their control. In case they did not favour the uprising of the sort that was brought about with the help of Ahmadis, Mr. Qadeer and some disgruntled upstarts of the State, they would have stopped infiltration of volunteers of Punjab at their own end and nipped the evil, if they deemed it to be so, in the bud. The course open to Hari Singh Dogra, however, was to protest the British Government in India against that sort of infiltration, which tantamounted to unprovoked aggression. But that sort of action he could only take if he were an independent and sovereign head of the State. Instead he sought aid from the British Government in India at that juncture, which clearly proves the lacunae in his being a sovereign ruler. Article 9 of the illegal and illegitimate Treaty of Amritsar was invoked which provided that "the British Government will give its aid to Maharaja Gulab Singh in protecting his territories from external enemies." A fantastic situation was caused. So called a sovereign British Government came to the aid of Dogra Government to fight against the British Indian subjects of their own Punjab Province. That sort of unique adventure or intrigue, as one may call it, must have suited the British Government in India, at the time when all other overt and tacit methods had not been of much avail for checking the non-compatible behaviour of Hari Singh Dogra against the British sovereignty. By placing their troops in Jammu, Mirpur, Kotli, Rajouri etc., the British, besides other things, did achieve their goal of keeping the loyalty of the fake ruler Hari Singh within reasonable bounds and checked his fissiparous tendencies at least for some time more. Non-complacent behaviour of the State Government in suppressing the revolt or in inflicting the penalties and punishments on local Muslim leaders after British intervention; early

extrication and removal of Mr. Abdul Qadeer from the State; and disappearance of the Ahmadi's role from the scene immediately after the British achieved their objective proves that the 'alien interest' was the key factor that mattered in the Uprisings of 1931-32 in Jammu and Kashmir.

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WHO DIVIDED MUSLIMS OF KASHMIR IN 1930s AND WITH WHAT PURPOSE.

Muslims of the State would have been the main beneficiaries of the recommendations made by Glancy Commission, had the same been implemented by the Dogra Government. British Government were interested to keep the fake ruler Hari Singh within the British norms of loyalty. That objective they had achieved. Glancy Commission Report was therefore kept in such a state, as to act as sword of Damocles for Hari Singh, and also keep the agitation in a simmering state. Hindus of the State, on the other hand were not prepared to part with the benefits of fiefs and Government services.

Kashmiri Hindus, constituting a microscopic minority of 2% population had since the inception of alien rule in Kashmir played a formidable role in politics, always derogative to the freedom of Muslims. Alien Governments, probably without exception, had a cause to trust this minority community under the norms of political and military domination. This community had a cause to be fifth column. Muslim majority rule in the State, they always apprehended, would harm their identity and culture. They would lose administrative jobs, which had formed their sole profession. Even "during (alien) Afghan rule" says Jia Lal Kilam (a Hindu leader), "the political power rested in the hands of Kashmiri pundits (Hindus) and they were happy."¹ During Afghan rule in Kashmir, one of their governors, Sobedar Ata Mohmad Khan established his foothold in the State for some years, studied in depth and understood the underlying problems of Muslims; and started taking measures in the direction of amelioration of their conditions. To provide them work in a big way, he embarked upon a project of building a gigantic Fort on the top of a hillock in the heart of Srinagar city in 1811 A.D. He also declared independence of Kashmir State. During that period Kashmiri Hindus suffered; for he started providing jobs to Muslims in civil and military services. Some leaders of this Hindu community then rushed to Kabul and persuaded the King of Afghanistan to send troops to Kashmir. Ata Mohmad Khan's independent Government was soon toppled and the alien rule of Afghans over the State again established for a few years more till the Sikh Government of Punjab seized Kashmir from Afghans, again through the fifth column role of the Kashmiri Hindus.

With this sort of historical background and malicious behaviour, it was normal for this minority community to raise hue and cry against Glancy Commission Report and launch a dubious movement - Roti (Livelihood) Agitation.

So the Glancy Commission report, for all practical purposes became the bone of contention between the two communities. "A prominent leader of Kashmiri pandits", says Sheikh Abdullah in his book *Atashi Chinari*, "delivered a provocative and venomous speech at Shetarnath"-the centre of Hindu religious and political activities in Srinagar. The situation became so tense that all the functions that were to be held on the occasion of birth anniversary of Hari Singh on 24th September 1932 were cancelled.

In June 1932 some Muslim leaders had been released after completion of their terms of sentence. Political situation in the State at that time was fluid. No follow up action had been taken by the Government for implementation of Glancy Commission Report. Nagging doubts remained whether the recommendations pertaining to Land Reforms and appointment of Muslims in civil and military services would really fructify. The past history of the State did not warrant optimism on this score. Within the State Kashmiri Hindus were agitated and the help that was being extended by Punjabi Muslims in the freedom movement of Muslims had receded. Muslims of the State were not in a position to whang Hari Singh, for he had become friendly to British Government. His posture towards Muslims had hardened. Out of 11 elected Muslim representatives who had led the agitation, two persons by name Ghulam Ahmad Ashai and Sheikh Abdullah started wavering. At first, they tried to woo Pt. Kashep Bandu - the then leader of Hindu Yuvak Sabha, and suggested him to consider formation of an united association of Muslims and Kashmiri Hindus with the objectives of ameliorating the appalling conditions of the populace and establishing a political institution to fight for democracy and freedom. Conscious of the distrust and suspicion of the two communities inter-se, he told them that a united and secular platform would not be acceptable to the Hindu community. Abdullah then met Prem Nath Bazaz who had represented on the Glancy Commission and had been ousted from leadership of Hindu Yuvak Sabha. In his book *Atashi Chinari* Abdullah later admitted that "the seed of establishment of one united and secular platform was sown on that very day when in July 1932, he met Pt. Prem Nath Bazaz at Cheshmahahi garden." At that immature stage, Abdullah could not probably understand the implications of short-circuiting the inter-woven problem in which the British Government, Hari Singh, Muslims and Hindus of the State had their respective interests. Muslims and their leaders in Jammu and Kashmir Valley were, however, ignorant about such meetings of Abdullah with Hindu leaders. A common platform of Muslims and Hindus with divergent interests, aims and objectives was obviously of

a paradoxical nature. Muslims were for the implementation of reforms recommended by Glancy Commission and Hindus against.

Shahi Masjid - a mosque in the down-town, built by the Empress Noor Jahan in Srinagar, during Mughal rule over Kashmir, was released by Dogra Government after having used it for a period of 113 years as armoury, grain store and allied uses by the Sikh and Dogra Governments. Abdullah blew the trumpet of this achievement. He had a strong interest in it. Hari Kishen Koul, the then Senior Minister of Dogra Government in 1931, had succeeded in creating a rift between Abdullah and the head priest of Muslims of Kashmir Valley, Moulvi Yousaf Shah. The latter had banned Abdullah to address Muslims at Jamia Masjid. Abdullah had therefore an eye on establishing his political platform at Shahi Masjid - a Parallel Venue to Jamia Masjid, where the head priest had established his religious platform by inheritance. Most probably the Government had sensed this fissiparous plot of Abdullah that it conceded to that part of Glancy Commission recommendations first which would at that event cause disunity among the Muslim leadership.

General Council of Muslim Conference, however, then held a meeting at Jammu on 17 December 1932 and the Government was again requested to take some concrete measures in the direction of redressing the grievances of Muslims. Another meeting of the Council was held at Srinagar on 5th March 1933, but the delay on the part of Government persisted. According to Abdullah the problem could be eased if a joint organisation of Muslims and Hindus could be formed. Most of the Muslim members of the Council were doubtful if such an organisation would not harm the cause of Muslims; but at the insistence of Abdullah, who was the president of the Conference, a committee was appointed to explore the possibilities of such an alliance. Within that committee too, some members had reservations about formation of a so-called Secular organisation; yet they, willy-nilly, met the leaders of Hindu community; who, to the dismay of Abdullah turned deaf ear to such a proposal. At this occasion some members of the Muslim Conference suspected Sheikh Abdullah of having something at the bottom; and the misfortune overtook the first adventure of formation of one united Muslim body.

Abdullah had till then allured some proportion of Muslim leaders to his side. To that extent the following of the head priest had depleted. On 6th April 1933 a feudal clash took place on Id-day between the head priest and his cousin Moulvi Hamdani on their right to sermon the faithful from the main pulpit at Id-gah grounds in

Srinagar. Abdullah supported Hamdani and added fuel to the fire. Followers of Abdullah and the head priest clashed in the interior parts of the city. Hooligans and street roughs plundered the innocent passers-by. Hindus were spared.

In order to establish a separate platform of his own, Sheikh Abdullah, in the garb of President of the Muslim Conference, laid the foundation stone of Mujahid Manzil (Struggle Building) over the land of Shahi Masjid on its south side, purchased a litho Press and started in 1933, two news papers by name Haqiqat and Sadaqat. Vengeance of the highest degree in either leader was due to impart greatest harm on the Muslim community. Uncertain atmosphere prevailed in Srinagar. The head priest was taken to custody on 27th April and released after six days. On another occasion, when the two parties clashed again in July that year, Sheikh Abdullah was likewise detained for a short while and released.

In order to intercept the contact of the head priest with the Kashmiri Muslims, Abdullah's followers removed the pulpit from Hazratbal Shrine, from which the head priest would deliver sermons. Thus Abdullah gained control over the management of that shrine - a milestone in his political career. He used this religious platform to the hilt, which helped him much in his political career in his life. On account of the egotism and vengeance for gaining hold over the Muslim masses of Kashmir Valley, both these leaders used all possible sub-standard methods, which in turn affected the Muslim community beyond retrieve. The purity and sanctity of the tenets of Muslim brotherhood and/or human values were destroyed by Sheikh Abdullah and Yousaf Shah in their desire to maintain and strengthen their leadership in Kashmir Valley.

In such a non-congenial atmosphere in Srinagar, Muslim Conference could not hold a meeting there in that year. The second Annual Session of All Jammu and Kashmir Muslim Conference was held at Mirpur in Jammu on 15, 16 and 17th December 1933. Members from all over the State participated. They showed anxiety and concern on the disruptive activities and vandalism among Muslims in Srinagar city. Non-implementation of the Glancy Commission Report and constitution of the State Assembly on the basis of adult franchise were the two issues about which most of the members were in favour of launching an agitation. Without waiting any further, Young Men's Muslim Association of Jammu province launched agitation in January 1934 against Dogra Government and the same was responded through out the State. Arrests and atrocities as usual continued.

Some leaders were exiled for one year period. Chaudri Abbas and Sheikh Abdullah managed to move outside the State and called a meeting of the General Council of Muslim Conference at Sialkote. The Council unanimously elected Chaudri Abbas with absolute authority to deal with the Dogra Government and get the grievances of Muslim community redressed by whatever means he deemed proper. Abbas then pressed hard Mr. Calven to initiate action in the direction of fulfillment of demands made by Muslim Conference. When, however, Calven appeared reluctant or might be helpless before the stubborn fake ruler Hari Singh, Abbas started Civil Disobedience Movement and the situation worsened. At this occasion Abbas was arrested and sentenced to six month's imprisonment and Sheikh Abdullah was spared; but the movement launched by Muslim Conference continued unabated.

To cool down the anger of Muslims, however, Dogra Government agreed to set up the Constituent Assembly. Regulation '1' of 1931(Bik) was issued by the Government in the third week of April 1934 and the powers of Constituent Assembly were defined. The fake ruler retained all powers of law making in him and majority of his council members were to be nominated by him. Sheikh Abdullah consulted Chaudri Abbas - the General Secretary of his party (Muslim Conference), who was at that time in jail. Abbas told him not to take part in elections of that mock Assembly; for it would, besides other things, crush the Civil Disobedience Movement, and the Muslim community would achieve nothing. But Abdullah in the absence of many members of his party (Muslim Conference), who were behind the bars at that time, decided to call off Civil Disobedience Movement and take part in the elections. Later, as was his habit, he got that fait-accompli reluctantly ratified by General Council of Muslim Conference on 27th August 1934.

It was in Spring 1934 that differences between the leaders of Muslim Conference were vividly perceived. The fact that Sheikh Abdullah, the then President of Muslim Conference was spared when Abbas, the General Secretary and other leaders of the same organisation were arrested and sentenced to varying periods of imprisonment, proved that the rift was tacitly instigated by the Government; for it created a split in the opposition and resulted in calling off the Civil Disobedience Movement through Sheikh Abdullah.

Mr. Prem Nath Bazaz, the most active Kashmiri Hindu then swung in to action probably under an intrigue with other Hindu leaders or with Hari Singh himself. On 8th May 1934 he wrote a long letter to Mahatma Gandhi giving him

complete picture of the developments in Kashmir and tacitly seeking protection of Hindu community of the State. But to his dismay and to the dismay of entire Hindu community of the State, as it must have been, Mahatma Gandhi replied as follows:

Wardha

May 15, 1934.

"Shri Prem Nath Bazaz,
Chandhpura, Srinagar (Kashmir)

Dear Friend,

I have gone through your paper. We are sowing as we have reaped. Seeing that Kashmir is predominantly Mussalman it is bound, one day to become a Mussalman State. A Hindu prince can therefore only rule by not ruling. i.e. by allowing the Mussalmans to do as they like and by abdicating when they are manifestly going wrong. This is ideal. What is expedient is more than I can judge.

Yours faithfully,

M.K.Gandhi"2

Whether or not Mahatma Gandhi, whom most of the Indians deemed in high esteem as a great Indian leader of twentieth century, the father of Indian nation, apostle of truth etc. was sincere in his declaration made in his letter stated as above, has been examined by the author in a later chapter of this book.

As to the reaction of Prem Nath Bazaz and other Hindu leaders, the stand made by Gandhiji should have been a bitter pill that could hardly be chewed ever. They would not, however, give up at that point; for in their opinion the interests of Hindu community were at stake if Gandhiji's stand on future of Kashmir was permitted to prevail. This sort of attitude of Gandhiji at that time did not even suit Hari Singh Dogra, who aspired to attain his cherished goal of becoming a sovereign head of the State by promoting Congress opposition to the British rule in India. That could be either achieved by bringing in Congress Party in the political fray and if Gandhiji was reluctant to do so, Muslim Conference could be divided and opposition to his fake rule minimized thus. In that case, if Sheikh Abdullah, the leader of Muslim Conference could be allured towards Congress ideology, the plan could work.

Elections of the Nominal Assembly of the State were, however, held on 4th September 1934 and its first session was held on 17th October 1934. Muslim Conference swept

the poll, but with majority of members nominated by Hari Singh and all powers of law making retained by him, no democratic processes could be set in and no responsible Government installed.

Next Annual Session of Muslim Conference was held in Srinagar in 1935. Some non-Muslim leaders were also invited at this session. In this session Chaudri Gulam Abbas was unanimously elected as President of the party and Sheikh Abdullah taken as its General Secretary. In this session, however, Sheikh Abdullah vainly tried to allure the Hindu leaders to join Muslim Conference and fight the Dogra Government conjointly.

"The 'Weekly Hamdard' was started by (Prem Nath) Bazaz in collaboration with Sheikh Mohmad Abdullah on 1st August 1935, with a purpose of laying the foundation of (so-called) 'Progressive Nationalism' in the State."³ There might have been reasons for both these persons to start such a joint venture. Probable reasons for Bazaz were:

(a) Monetary benefits by means of a wider circulation and sale of the 'Weekly' among Muslim masses; and (b) to allure Sheikh Abdullah towards Congress ideology and thereby drive a wedge in the leadership of Muslim Conference.

Sheikh Abdullah, on the other hand, was incessantly trying to allure Hindu leaders to fight Hari Singh Dogra. The head priest of Muslims was at logger-heads with Abdullah for various reasons including his tendencies to join hands with Hindus, who had usurped power and were the main obstacle in implementing the Glancy Commission Recommendations. Again when in 1935 other Muslim leaders of Muslim Conference preferred leadership of Chaudri Abbas, that might have also weighed heavily in Abdullah's mind that he started changing his colour like a chameleon. Whatever might have been the reason, however, it was at this stage that Kashmiri Hindus succeeded through Prem Nath Bazaz in involving Sheikh Abdullah in the ideology of Indian Congress, and signs of hair cracks appeared on the horizons of Muslim Unity in the State, which in due course of time grew in to such fissures which finally culminated in to a rupture of the worst sort in the Muslim community, and formed one of the strong roots of Kashmir Problem.

On 8th May 1936, Muslim Conference, under the presidentship of Chaudri Abbas observed a 'Responsible Government Day' through-out the State. Muslim Unity was once again reflected in full fervour. In spite of Abdullah's appeal to Hindus to participate in that

function, there was negligible response from them. Abdullah then moved further and in association with Prem Nath Bazaz sent a joint letter to Jawaharlal Nehru - the then Congress leader of India. Nehru replied their letter on June 18, 1936. This was a glaring political misdemeanour on the part of Sheikh Abdullah to correspond with the Congress leader outside the State without the consent of his political body - Muslim Conference. On 24th June 1936 Prem Nath Bazaz wrote a separate letter to Jawahar Lal Nehru with which he attached a copy of Gandhiji's letter of May 15, 1934 (cited here-in-before) for his perusal, pretending therein that he had not understood its contents. Bazaz stated further, "It is no consolation to me, a non-Muslim by birth, that Kashmir is one day bound to become a Mussalman State and it is certainly no reply to my query as to what attitude we Kashmiri Pandits should adopt in the present struggle."⁴

Evidently therefore Bazaz was making all such efforts on behalf of Hindu community of Kashmir and not in his individual capacity. This statement of Pandit Bazaz read with the reply of Pandit Nehru, stated ut-infra is an eye opener to understand as to who, besides British interests and intrigues, contributed initially towards creation of Kashmir Problem in a novel form in the Indian sub-continent. In his reply dated July 7, 1936, Jawaharlal Nehru wrote to Prem Nath Bazaz: "...Naturally I am greatly interested in developments in Kashmir. This is so because of the larger national issue of which Kashmir forms an integral part. It is also due to my personal tie with Kashmir and my attachment to our own home land... It is clear that ultimate fate of Kashmir, as of the other Indian States, is bound up with that of India as a whole...I shall be glad if you will keep me informed of developments in Kashmir. Some time back (on June 18) I sent a letter to you and Mr. S.M. Abdullah in reply to joint letter from you two..."⁵

Pandit Prem Nath Bazaz, therefore became a Congress Spy in Kashmir. Within one week's time he wrote a long letter on 15th July 1936, to Pandit Nehru apprising him of all the developments in Kashmir. Nehru replied on August 9, 1936 appreciating him for having started the Youth League (Hindu Yuvak Sabah) in Kashmir. Was this Secularism or Hindu fundamentalism that Nehru was following?

British Government in India had, at that stage, changed its policy of ruling India authoritatively. Constitutional frame work of their own choice had been thrust on the people of India under Government of India Act 1935. Hari Singh Dogra, at this juncture, however, deemed it necessary, in his personal interest to install a strong

blow on Muslim Conference and Sheikh Abdullah. He appointed a staunch Hindu, clad with Congress ideology by name Gopalaswami Ayyanger as his Prime Minister in place of Colonel Calven in 1937.

Sheikh Abdullah had, within a short span of time, risen suddenly from a school teacher to a position of a political leader in Kashmir Valley. When with the intrigue of Prem Nath Bazaz he found favour in Pandit Nehru, it must have been something extra-ordinary, as he had not trod much in politics. This sort of tendency was not after all un-natural. When a person in the lowest echelons rises suddenly to a high position and fame, there is always a risk of his getting tumbled. Abdullah or for that matter any other person in a similar position could be susceptible to this principle. The degree of susceptibility can, however, vary from person to person. Whereas Abdullah tried to allure Hindus towards Muslim Conference, he himself was allured towards Congress ideology. Before, however, Abdullah would abandon the ideology of separate political identity for Muslims, he marked time and in the meanwhile tried to seek advice from Pandit Nehru.

Abdullah and his erstwhile lieutenant Bakshi Gulam Mohmad then proceeded to Lahore to contact the Indian leader. To quote Abdullah in his own words, he wrote: "Round about 1937... we both ...reached Lahore Railway Station. Pandit Ji (Nehru) ...received us with great enthusiasm; and in the Railway boggy we got as much engrossed in to conversation as we had been friends for years... We accompanied him up to Shahidra, where Bakshi Gulam Mohmad sought his permission and left. But Pandit Ji insisted me to accompany him to North West Frontier Province... I spent some days with him in North West Frontier Province... During that tour I was introduced to Badshah Khan and other Red Shirt leaders and thereby laid the foundation of everlasting friendship with Badshah Khan... During the conversation with Pandit Ji I was happy to learn that he had heard very much about our Movement... Panditji advised that our organisation should remain open to all the citizens of the State irrespective of religion and caste... Before departing I invited him and Badshah Khan to come to Kashmir, which (invitation) both the leaders accepted gladly."⁶

Then in a press conference at Amritsar, Abdullah said, "Communal friction in Kashmir is to a large extent the result of propaganda made by communal leaders of Punjab. We want that the people of Punjab should not interfere in our internal affairs. My future programme will be to work on the principles of Congress and I want to lay a

foundation of such an organisation soon I return home." ⁷ He further wrote in his book that "on returning from Lahore, I placed my point of view before Muslim Conference. Some panicky voices were definitely raised but many of my friends favoured my point of view." ⁸ Hindu leaders of the State, who had vehemently opposed Abdullah for his role in the Agitation against Dogra Government, were glad to see their opponent falling in Congress Camp. Therefore they gave him cooperation with caution in moving whole hog towards the Congress ideology.

Dr. Sir Mohamad Iqbal's entry to the State had been banned by Hari Singh's Government in 1931. When in 1937 he learnt that Sheikh Abdullah joined the group of Muslim Nationalists in India and declared to work on the principles of Congress, he understood its implications and applied to Hari Singh Dogra to lift the ban on his entry in the State. Dogra Government did not issue him the permit to enter Kashmir till winter season set in. Dr. Iqbal then postponed his visit to next year. But before he could visit Kashmir he passed away. So the Muslims of the State could not avail the guidance of that great leader in respect of future strategy about their Freedom Struggle.

"Mr. Jinnah spent that summer of 1937 in Simla and Srinagar... (In Srinagar) He pleaded before the Jammu and Kashmir High Court in four cases - two criminal matters, two civil - that summer. The most famous was the disputed marriage case of Hanifa Begum... where Jinnah won his client's appeal by forcefully asserting his personal knowledge - 'My lord, I am the Authority - as an accurate interpreter of Islamic law'. His prestige in the community was such that no one dared deny his claim and, as usual, he won every case he appealed." ⁹ On this visit he did not pay due attention to the local politics and/or the sufferings of the Muslim majority of Kashmir, which in fact contributed in due proportion in maintaining the stubborn conduct of Dogra Government.

As the rift in the Muslim Conference was well in the offing, the incessant and consistent manoeuvring of Kashmiri Hindus, particularly that of Prem Nath Bazaz, under a tacit support of Hindu Dogra Government on one side and encouragement of Jawaharlal Nehru on the other, proved fatal to the strong unity of Muslim community of the State. Sheikh Abdullah in a sort of political frenzy unwittingly caused a serious damage to Muslim unity in Kashmir valley at that time. Other regions of the state were, however, least affected.

"Sixth annual session of Muslim Conference was held in

Jammu from 25th to 27th March 1938. Sheikh Abdullah was elected its chairman. In his address to the session he said, "It is important that all those people who were afflicted by the present set up of administration should avail the opportunity to join the struggle for achieving a Responsible Government. Those are not only Muslims, but Hindus and Sikhs as well, down caste and Buddhists too. Nay! they are all citizens of the State... Now the problem before us is therefore that we take joint measures and form a united front against those elements who come in the way of our purpose. The stress is, therefore, to be given on the point that we name our organisation de-novo as a non-communalist political party and to that effect amendment in the constitution (of Muslim Conference party) becomes implied."¹⁰ Decision on this issue was, however, deferred.

The rift in the Muslim Conference became more perceptible when on June 28, 1938 Abdullah placed before the Working Committee a resolution for altering the name and constitution of the party. He pleaded that the new party, by name National Conference, would include members from Hindu community of the State as well and they would thereby obtain the support of Hindu community against the Hindu Dogra Government. Leading members of Muslim Conference did not see eye to eye with his paradoxical claim and opposed the resolution. Abbas, Sheikh Ahmad Din, Abdul Majid Quraishi and some other leaders of Muslim Conference opposed that resolution. It was decided, however, that the resolution would be considered in the next annual session of the Muslim Conference.

In the first week of August 1938, Muslim Conference again gave a call for observing a "Responsible Government Day" in the State. As usual Muslims of the State responded. Leaders of the Muslim Conference were arrested, fined and sentenced to varying terms of imprisonment. Soon in September 1938, a session of the nominal Assembly was called by the Dogra Government. Muslim members again demanded establishment of a responsible Government in the State and implementation of Glancy Commission's recommendations.

With the help of his Prime Minister Gopalaswami Ayyangar, who was much liked by the Hindu minority and much hated by the Muslims of the State, Hari Singh Dogra passed the Constitution Act of (1996 Bik) 1939 A.D. as an eye wash to slow down the struggle of Muslims against his illegal and illegitimate rule. By such a (so-called) generous action Hari Singh claimed to have provided for increasing association of the people with the administration of the State, establishment of the legislature with a majority

of elected members and an independent judiciary. But such a mock constitution could hardly be acceptable to Muslim community whereby all powers were retained by Hari Singh as before. It could hardly meet the demands of Muslims in respect of freedom of action, freedom of speech and establishment of democratic machinery in the State. Section 5 of that Constitution read as: "Notwithstanding anything contained in this or any other Act; all powers, legislative, executive and judicial in relation to the State and its government are hereby declared to be and to have always been inherent in and possessed and retained by his Highness and nothing contained in this or any other act shall affect or deemed to have affected the right and prerogative of His Highness to make laws, and issue proclamations, orders and ordinances by virtue of his inherent authority."¹¹ "Besides the Maharaja had a formidable list of reserved powers, over which the legislature would have no jurisdiction. These included: (a) rights granted to the Jagirdars by their sanads, (b) the State Army and (c) relations with the British authority and with other States."¹²

Annual session of Indian National Congress was held at Tripura in March 1939. On the invitation of the Congress President, Sheikh Abdullah, Bakshi gulam Mohmad, Moulvi Syed (the then co-editor of Weekly hamdard), Prem Nath Bazaz and Kashup Banthoo (two top leaders of Kashmiri Hindus) participated. They met Mr. Nehru and other leaders of the Indian Congress. As later events proved they had been tutored by Congress leaders there to establish Nationalist party and a programme in that regard had been drawn.

On his return from Tripura, Abdullah lost no time and managed to call a meeting of general council of the Muslim conference on 27th April 1939 to hammer the resolution of dissolution of Muslim Conference in the garb of creation of National Conference. He succeeded in adopting the resolution to form the new party (National Conference), provided the same was moved and ratified in an open session of the Muslim Conference. A special delegate session of the Muslim Conference was called at Mujahid Manzil, Srinagar on 10th and 11th June that year. Mujahid Manzil was, as contended earlier, a parallel platform opened by Abdullah for achieving his objectives. In a population of about four million of the State this open session was attended by only 176 so-called delegates. They included Hindu leaders and Sikh Youth. Representation of Muslims from areas like Jammu, Mirpur, Kotli, Poonch, Reasi, Kishtwar, Doda, Buderwah. Udhampur, Kathua and some parts of Kashmir province was considerably low. But a stage had been set by Sheikh Abdullah and

his supporters mostly from Srinagar (both Muslim and non-Muslim) for the dissolution of Muslim Conference, which in turn virtually meant the rupture of Muslim community of the State. Noteworthy is the point that the resolution was moved in this session by Moulvi Mohamad Syed who had accompanied Sheikh Abdullah to attend Congress session at Tripura. Still when the resolution was moved delegates oriented towards the ideology of Muslim League and/or those who would like to see Kashmir as an independent State, expressed fears about the future of the freedom struggle against the Hindu Dogra rule. "They were not sure that the State Hindus would sincerely and wholeheartedly support the freedom struggle. It was obvious that the large majority of State Hindus prefer Dogra rule to a democratic government... Muslim leaders feared that the National Conference would become a hand-maid of Indian Congress. But Abdullah, Abbas and (Prem Nath) Bazaz solemnly declared that it would be most harmful and disastrous to bring the Kashmir Freedom Movement under the influence of any outside organisation."¹³ Strange as it may appear that the Kashmiri Hindu Prem Nath Bazaz at the same time remained in close touch with Jawaharlal Nehru and kept him abreast with all the political developments of the State. By joining the above said declaration, Bazaz, in the heart of heart, obviously voted for elimination of the influence of All India Muslim League from the Freedom Movement in Kashmir; for that would not be compatible with the real freedom of Hindus of the State. However, in order to cool down the passions of the delegates who opposed the resolution, "it was declared that the (new) organisation should keep aloof from the Indian National Congress as well as Muslim League."¹⁴ Chaudri Abbas, the staunch fore-runner of the Liberation Movement of the State reluctantly agreed to the resolution, for it contained in unequivocal and unambiguous terms, assurances of Sheikh Abdullah, the leader of the new party (national Conference), in respect of non-interference of the Indian National Congress. But other top ranking leaders of Muslim Conference "namely Chaudri Hamidulla Khan, Moulvi Rafiuddin, Gulam Haider Gori, Moulvi Abdulla (advocate), Sheikh Ahmad Din Banihali and Gulam Ahmad Ganai of Buderwah opposed that resolution"¹⁵

Chaudri Abbas preferred to wait and watch the future behaviour and sincerity of Sheikh Abdullah than precipitate the situation. Thus on 11th June 1939 'National Conference' came in to being under the leadership of Sheikh Abdullah. The flag for the new party, red in colour with an insignia of white plough, was designed by a Kashmiri Hindu by name Prem Nath Dhar. Twelve Hindus (mostly Kashmiris) were included in the Working Committee

of the National Conference.

No sooner did Sheikh Abdullah form the new political party than his real intentions came to the surface, when on 30th, 31st September and 1st October that year, he delivered speeches in the National Conference session at Islamabad town eulogizing All India Congress on one hand and condemning All India Muslim League on the other. In another session at Mirpur in Jammu Province in December 1939, Chaudri "Abbas reminded Abdullah of his assurances... that the National Conference would remain aloof from the outside politics and influence of the Congress and the League ideologies, but getting no satisfactory reply he resigned from the (National) Conference. With him left most of the Jammu Muslim leaders."¹⁶ Far-famed and prescient Muslim leader Moulvi Yousaf Shah had neither joined the National Conference nor associated with Abdullah, save for a short while in 1931-32. How long could the Hindu leaders like Kilam, Kashup Banthu and Bazaz remain associated with Abdullah and National Conference against Hindu government remained to be seen.

Sheikh Abdullah later wrote that "the former two Kashmiri Hindus resigned on the pretext that, in a public meeting, he translated some verses of Holy Koran. Prem Nath Bazaz, however, alleged him of having attacked Hindu politics, deriding Hindu society and contemptuously referring to Hindu religion." According to Sheikh Abdullah, Bazaz only protested on that occasion but resigned later from the National Conference. As to the reaction of the populace to the disintegration of Muslim Conference and creation of a new party, a vicious circle developed in the whole State.

Outside the State in undivided India, Muslim League was gaining ground and permeating faster than before in the Muslim masses. The historic Pakistan resolution was hammered in to final form at the Muslim League session held at Lahore on 23rd March 1940. "Fazlul Haq... moved the first resolution, the most famous third paragraph of which stated: 'That it is considered view of this session of the All India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz. that geographically contiguous units are demarcated in to regions which should be so constituted, with such territorial re-adjustments as may be necessary; that the areas in which the Muslims are numerically in a majority, as in the North-Western and Eastern zones of India, should be grouped to constitute Independent States, in which the constituent units shall be autonomous and sovereign."¹⁷ Note that the divisions of Punjab or Bengal, which caused worst sort of bloodshed later in

the history of the sub-continent were not at all envisaged in this resolution.

On account of such developments in and outside the State, Sheikh Abdullah was apparently losing his nerve; for he had obvious apprehensions on the future status of the State. With the exit of Chaudri Abbas and other Muslim leaders from National Conference and the growing strength of Muslim League outside the State, he started losing ground among the muslims pretty faster, without, however, making any headway in bringing non-muslims to his fold. He therefore used a religious platform of highest importance in Kashmir valley at Hazratbal shrine to the hilt. It is believed by Muslims of Kashmir that a sacred hair of Prophet Mohammed (S.A.W) is placed in a glass container in that shrine. Huge congregations of Muslims take place there on all fri-days and on birth anniversary of the Prophet(S.A.W) and death anniversaries of his four khalifs (successors). Not only did this religious cum political platform save his chameleon leadership from the fiasco that was due under such circumstances; but by this sort of unique combination, he gave a strong religious support to so-called secular ideology. Call it a hypocritic approach in politics, a contradictory phenomenon, a duplicity or by any other name, good or bad, Abdullah maintained himself in the local politics through the control of this religious institution (Hazratbal shrine) all through his political career. Simultaneously with this adventure, Abdullah moved forward in his ambition to come to power.

As stated loco-citato, Abdullah had invited Nehru and Khan Gaffar in 1937 when he accompanied Nehru on his visit to North West Frontier Province. Nehru could only visit Kashmir, if Abdullah led a nationalist party. So in 1940, says Bazaz, "he invited Pandit Jawaharlal Nehru to be a guest of the National Conference..."¹⁸ Pandit Nehru and Khan Gaffar Khan visited Kashmir in May-June 1940. Funds required for their reception were provided by the Hindu traders of Punjab. Whether or not the two guests were received well in various parts of the Kashmir Valley which they toured, Abdullah and his party National Conference got wide publicity outside the State through the Indian Hindu Press. The Prime Minister of Hari Singh Dogra, Gopalaswami Ayyanger "closely watched the events and developments which took place in Kashmir politics during the days of Nehru's tour... He (Ayyanger) ... encouraged him (Abdullah) to plunge headlong in to the Congress ideology."¹⁹ Abdullah, however, continued his struggle against the illegitimate Hindu Dogra rule at the displeasure of the Dogra Government, local Hindus and Hindu leaders of All India Congress. Some people attrib-

uted that sort of Abdullah's strategy to his ambition for gaining power.

With the adoption of the Congress ideology by Sheikh Abdullah, the erstwhile colleagues and stalwarts of the disintegrated Muslim Conference, did not remain as spectators for long. They made a fresh bid with full vigour and enthusiasm, and revived Muslim Conference in 1941 with the support of Jammuite Muslims and followers of the head priest of the Valley and other Muslim leaders of Kashmir. Chaudri Abbas was elected as its leader. Little influence that had been imparted by National Conference in Jammu was eliminated. In Kashmir Valley, however, the influence of National Conference was not alleviated to that extent. The tussle between the Muslim Conference and National Conference persisted there. The latter party, however, had only a nominal association of a few Hindus of least importance in the Hindu community. Besides this division in Muslim community of Kashmir, Abdullah became a cat's-paw of Pandit Nehru and unwittingly worked in that capacity till the latter's objectives were achieved. It also half way met the Divide and Rule policy introduced by Hari Singh Dogra during Hari Kishen Koul's premiership. He could keep the main recommendations of Glancy Commission in cold storage. The seed of discard and egotism that was sown by Hari Kishen Koul in the leadership of Muslims in Kashmir was nourished by interested parties overtly and tacitly and a situation was brought about that rendered the politics of the State fluid and unstable. In that unstable position a truly bonafide struggle of Muslims of the State for liberation of the State from illegal Dogra rule was ultimately of little avail and the Kashmir tangle continued. That was in sum and substance the outcome of the efforts of Pandit Nehru, Gopalaswami Ayyanger, Pandit Prem Nath Bazaz and other Kashmiri Hindus and last but not least that of the adolescent role of local Muslim leaders.

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DEVELOPMENTS IN EARLY 1940s
AND
OUTCOME OF JINNAH'S VISIT TO KASHMIR

Adolf Hitler seized Austria in 1938 and Czechoslovakia in 1939. World War II actually broke out on first September 1939 when Hitler attacked Poland. "On 3rd September Britain and France declared war against Germany. Within three weeks Germany conquered Poland. Allies declared war but they did not take any firm step. They remained quiet for eight months."¹ Then without the consultation of Provincial Governments in particular and Indian leaders in general, the Viceroy of India declared to join this war. Therefore the Congress party members resigned from all Provincial Governments on 31st October 1939. Indian Princes, who were loyal to the British Government including Hari Singh Dogra did not oppose the declaration made by the Viceroy. From 9th April 1940 to 22nd June 1940, Germany conquered Norway, Denmark, Belgium and France in quick succession; and then started bombardment on Britain in August that year. Hitler captured Balkan countries and many a region of Africa, and attacked Russia in June 1941.

Many a nation of the World got alarmed by the sudden onslaught and successive gains of Germany in Europe. The situation was soon to become more tense. The fall of France in particular without much resistance, was a signal that the war was due to expand further in many a direction. Mao-tse-Tung, the then leader of Communist Revolution took advantage of that alarming situation and hastily extended that revolution in to Chinese Turkistan in the same year (1941); and extended the Communist army hold up to the mountains of Aghil and Kunlun in the North of Gilgit and Ladakh. The name of Chinese Turkistan was changed in to Sinkiang. A large caravan of wealthy Muslims fled from Chinese Turkistan in panic, travelled across hazardous mountains and entered Kashmir with a hope that the place was predominantly populated by Muslims and they would get a safe asylum there and would not be persecuted or troubled. The Dogra Hindu Government of Kashmir instead tethered and tortured them at first but later they were permitted to settle temporarily in Kashmir and other parts of undivided India. Some of them settled in Turkey. The arrival of Communist forces on the borders of Ladakh and Gilgit however, in due course of time, added one more dimension to the Kashmir problem.

United Nations, Human Rights Commission, Amnesty International and other World bodies concerned with world order had no provisions in their statutes to investigate whether the populace of Chinese Turkistan as also Russian

Turkistan had really accepted the Communist form of government or that it had just been thrust upon them like alien rule over oppressed people of many other parts of the world. Alien rule of more than 170 years over Kashmir and other such tragic events of the world have gone in to oblivion. Security of mankind lies still in doldrums as the World Bodies concerned have yet to evolve an universally acceptable methodology of investigating the degree of oppression at worst hit areas in the world.

As the World War continued, Japan sensed that United States was planning to attack her; so she joined Germany against Allies and attacked the American Base at Pearl Harbour in Hawaii. After conquering Pearl Harbour, Japan, over a period of few months, conquered Indonesia, Philippines, Malaya, Thailand, Hong Kong, Singapore and Burma. Britain therefore came under heavy pressure when she sensed that the War reached the borders of Indian sub-continent. The need to face the threat on that side, gave rise, inter alia, to a massive recruitment drive in the British Indian Army, particularly from the areas of known heraldry and responsive to British help. Hari Singh Dogra showed his loyalty and provided the war wherewithal with the same enthusiasm, as his grand father had shown in 1857 in the war of Indian Liberation (Mutiny). He openly permitted recruitment from the State in the British Army and contributed large sums of money to 'War Fund', that was raised by the British Indian Government at that event.

Muslims of Jammu Province, particularly from Poonch, Rajouri, Mirpur and Kotli were recruited in thousands in the British Army. This was a critical juncture at which the British would, most probably, welcome any offer of recruitment of Kashmiris if the Kashmiri leaders had shown any such interest. That would, in the long run, help the Muslims of the two provinces (Jammu and Kashmir) stand united against Dogra rule in the event of any confrontation. But nay! the Kashmiri leaders were divided and busy in local strife and internal bickering. Sheikh Abdullah toed the line of Congress. Hari Singh Dogra would not like to take the risk of arming Kashmiri Muslims, for that would be, in the long run, dangerous for him to continue his illegal hold on Kashmir.

In order to counterbalance the ill effects of recruitment of Muslims of Jammu, Hari Singh Dogra passed "Army Act" in the State, whereby Hindu Rajputs were permitted to keep all sorts of weapons and firearms. Prem Nath Bazaz who pretended to be secular, a progressive nationalist, a democratic socialist etc. lost no time to support Hari Singh for that sort of communal action. He wrote:

"Rajputs of Hindu Community remained the strongest pillars for the defence of Hindu Government. Therefore arming of the Rajputs was sacrosanct to Hindus... The dictatorship of Rajputs was far better for Hindus than a communal Muslim Government even if such a dictatorship came in the way of progress of the Country."²

By 1942, however, World War II assumed enormous proportions. The so-called Fascist powers were at the zenith. A serious situation would ordinarily have developed against the British, had the Indian leadership chosen a course of armed confrontation or violence. Under that tense situation, however, the British Government sent Sir Stafford Cripps on 22nd March 1942 to negotiate with the leaders of India, the future frame work of Indian Constitution making Body. Cripps Plan assured 'Dominion Status' would be given to India after the end of war. Winston Churchill had in the past expressed his resentment on the subject of independence of India in February 1931, before the House of Commons in these words: "The loss of India would be final and fatal to us. It could not fail to part a process that would reduce us to the scab of a minor power."³

Cripps Plan differed in essence from that of the Division of India. It maintained the federal character of the Country, but implicit in its clauses were the seeds of discard, distrust and disintegration of India. Gandhiji and other Congress leaders rejected it, but Mr. Jinnah accepted this formula. "During these very days, Subash Chander Bose ran away from India and ... organised Azad Hind Army out of Indian War prisoners in Japan."⁴ This gave a fillip and new direction to the struggle for freedom in India, and a firm attitude developed on the independence of the Country.

Although Cripps failed in his mission to hammer his proposals on Indian leaders, but circumstances warranted a change in the Indian politics. At a press interview in June 1942 at Wardha Gandhiji said, "Time is a merciless enemy, I have been asking myself why every wholehearted attempt made by all, including myself, to reach unity has failed so completely that I have entirely fallen from grace and am described by some Muslim papers as the greatest enemy of Islam in India. It is a phenomenon I can only account for by the fact that the third power, even without deliberately wishing it, will not allow real unity to take place. Therefore I have come to the resultant conclusion that the two communities will come together almost immediately after the British power comes to a final end in India."⁵ Thus the 'Two Nation' theory of Jinnah was accepted by Gandhiji. Jinnah declared: "I

am glad that at last Mr. Gandhi has openly declared that unity and Hindu-Muslim settlement can only come after the achievement of India's independence and has thereby thrown off the cloak that he had worn for the last 22 years."⁶

Gandhiji's tacit identification of Two Nation' theory contributed towards strengthening the demand for Pakistan. Muslim League leaders gained further ground in hammering their demand for a separate State. Princely states started re-orienting their policies to the future shape of Divided India. Hari Singh Dogra had for sometime past introduced Congress element in all its seriousness in the State to weaken the British hold over him. But now that the British hold over India appeared dwindling and the geo-political situation in the world appeared changing fast, Hari Singh's attitude towards Congress ideology therefore changed.

In a meeting of Congress Working Committee at Wardha Gandhiji said, "Time has come when British should quit India." All India congress Committee then passed a resolution to that effect at Bombay on 18 August 1942. The next day all the towering personalities of Congress party were arrested by the British Government.

The declaration of Sir Stafford Cripps that the British would accord independence to India with a dominion status; Gandhiji's tacit acceptance of Two Nation theory; Gandhiji's admittance that Kashmir would one day become a Mussalman State; the State Peoples Conference's observance of 'Demands Day of Indian States' against the treaties executed by the East India Company with the rulers of Indian states; and 'Quit India Movement' launched by the Congress, were some of the factors which influenced Hari Singh Dogra in creating a distance with the Congress leadership and reshaping the policy of his Government with the chief interest of strengthening his own position in the State. He replaced his Congress Stalwart Prime Minister Ayyanger by one Raja Maharaj Singh - a christian. The new Prime Minister would agree to keep the State aloof from outside politics but could not toe the line of Hari Singh in adopting the policy of divide and rule in the State. "He was of the opinion that the bickering and clashes between the followers of the National conference and Muslim Conference (engineered by Ayyanger) were very harmful for the progress of the Country... When he failed in his attempts (to bring rapprochement) he advised both the parties to function peacefully."⁷ Without consulting his new Prime Minister, Hari Singh instituted a Royal Commission of Enquiry on 14th July that year. "Out of 20 non-official members, the

majority belonged to the vested interests and reactionary classes."⁸ National Conference was given two seats on this Commission. Muslim Conference and Socialist Party were neglected. Under these circumstances, the Christian Prime Minister could not stay any longer. He resigned on 26th July after remaining in office for 3 months and seven days only. Colonel Kailash Narayan Haksar - an old friend of Hari Singh Dogra was then taken as the new Prime Minister.

Mr. Haksar could easily toe the line of Hari Singh in adopting Divide and Rule policy in the State, for he was a Kashmiri Hindu by origin; but to the disliking of Hari Singh, as it must have been, he had leanings towards All India Congress. During his premiership of short duration of about 5 months only, "Muslim Conference decided to hold its Annual Session on 13th and 14th August in Srinagar. Haksar imposed humiliating restrictions including one that neither an outsider should participate in the deliberations nor should any speaker refer to outside politics. A month before the Session, Nawab Bahadur Yar Jung, President of the all India States Muslim League, had publicly expressed his intention of attending it... he came on the notified day. The Government ordered him to quit and when he hesitated, the police arrested him"⁹ and pushed him out of the State. On the other hand "Tushar Kanti Ghosh, also an outsider but a Hindu was put up as the honoured guest of the Revenue Minister. He delivered his inaugural address to the Editor's conference a few days later on 20th August upholding political ideology of Akhand Hindustan."¹⁰ Against this sort of discriminative behaviour of the Dogra Government and for non-fulfillment of the demands of Muslims, several demonstrations were held in the State by the Muslim Conference. In a procession in Jammu city nine Muslims were killed by Haksar government on 24th September (1943). Shortly thereafter Mr. Haksar was replaced by one Sir Benegal N. Rao in January 1944.

On assuming his office as the new Prime Minister of Dogra Government, Mr Rao - a judge from Calcutta High Court openly declared in a Press Conference: "Jammu and Kashmir is a Hindu State, but I want its non-Hindu population too to progress."¹¹ This prejudicial statement must have come as a bolt from the blue in the State where more than 80% population were Muslim; where the sovereignty of Hindu Dogra rulers had been persistently challenged in all forums and where the struggle for freedom from Dogra rule was always alive in one form or the other ever since its inception.

In the event of War, British Government's attitude

towards Quit India Movement was understandable. "194 Indians got killed, 1630 wounded and 60,229 persons arrested in that agitation."¹² By 1944, however, that movement had been almost quelled. Mr. Jinnah had made his party powerful enough to deliver goods on behalf of Muslims of India. Fast changing political climate in India had imparted, in due share, its impact on the political developments of Jammu and Kashmir. Muslim conference gained much strength when it launched State wide campaign against Haksar Government. Divide and Rule policy of the Government had started showing signs of failure, to the extent that both Muslim Conference and National Conference were united in the freedom struggle against Dogra Rule. Admittedly, however, the struggle for freedom under the auspices of two political parties of Muslims lacked that degree of fervour and intensity which was displayed by Muslims in 1931 on one platform and under one flag.

The nationalist leaders of the State were, however, quite baffled about the future geo-political position of Kashmir, for creation of Pakistan was well in the offing. Parameters of relationship of Kashmir with (would be) Pakistan weighed heavily for reasons of geographical and cultural affinities inter-se. Influence of Pandit Prem Nath Bazaz in the National Conference had by then completely vanished. Pandit Nehru and other Congress leaders were behind the bars. Sheikh Abdullah was therefore in a state of complex situation. Leaders of Muslim Conference as well as National Conference then met Jinnah at Lahore and Delhi in March-April 1944 and invited him to visit Kashmir and study what the people want and advise regarding future course of action.

Mr. Jinnah arrived in Jammu on 9th May 1944. Arrangements for the reception of the League President had been elaborately made from the borders of the State up to Srinagar by Muslims of all shades without exception. "From Banihal, where the Kashmir Province begins, Nationalists vied with the supporters of the Muslim Conference in giving a grand ovation to Jinnah."¹³ Thousands of Muslims thronged to the B.C.Road and greeted Jinnah with emotion, love and enthusiasm from Banihal to Srinagar. On reaching Srinagar on 10th May, he was presented with addresses of welcome by National Conference and Muslim Conference at two different places at Partap Park and Drugjan respectively. Probably the leaders of the two parties wanted to show him the strength of their following. Thousands of people had, however, gathered at both these places to hear Qaid-i-Azam Ali Mohamad Jinnah.

In his welcome address at Partap Park, Sheikh Abdullah addressed him with the words: 'Beloved leader of Muslims of India.' Mr. Jinnah in his reply thanked the people for enthusiasm, love and warmth they had shown in his honour in the capacity of the President of All India Muslim League. On this remark a few Kashmiri Hindu leaders, who had come to hear Jinnah, got angry and quietly left the dias without, however, least disturbing the gathering or the speeches of Jinnah and Abdullah. Mr. Jinnah expressed his sympathies with the Muslim cause and advised the Muslims of Kashmir to remain solidly united. At another public meeting arranged by Muslim Conference at Druggan Jinnah spoke absolutely on same lines as he had spoken at Partap Park.

In his two public addresses stated as above, Jinnah neither elucidated what the objectives of the Muslims of the State should be, nor did he create any feeling that he had come to create unrest among the people or trouble for Hari Singh Dogra and his Government. Most probably he had been permitted by Dogra Government to enter the State only as a visitor with a commitment to convalesce, for he was not keeping good health. He stayed in the Valley for quite some time - two and a half months, and had enough time to meet people of different shades over there.

During Jinnah's stay in the Valley, Muslim Conference held its annual session at Jamia Masjid in Srinagar. Mr. Jinnah and some Muslim leaders were invited. In his speech on 17th June at this session, Mr. Jinnah declared unequivocally that the demand for Pakistan was due to be fulfilled and no power on earth could stop its coming in to existence. As to the political situation in Kashmir he said: "As a Muslim I must say what I feel is the right way for the Muslims. So far as I have been able to understand the view point of the Muslim leaders of the National conference, I do not think that they can succeed."¹⁴ Jinnah further revealed that, "the leaders of the National Conference had assured him that the National Conference is a party of Muslims; that their goal, policy and programme are the same as that of the Muslim Conference; that they fight for the welfare of the Muslims and that if the State Hindus and Sikhs cooperate with them, well and good; if not they (the Nationalist Muslims) did not mind."¹⁵ Jinnah did not approve this method. He declared in a wide applause in a gathering of about fifty thousand Muslims that all Muslims believe in One Allah, One Prophet (S.A.W.) and One holy book - Koran. Therefore it is always incumbent upon them that they unite, establish One Organisation, One Platform and rally round One Banner. He concluded his speech by saying: "99 per cent of the Muslims who met me are of the opinion that

Muslim Conference alone is the representative organisation of the State Muslims."¹⁶

Before his visit to Kashmir, however, Jinnah had advised Abdullah in Delhi not to trust Hindus. "...My experience is that Hindus can not be trusted. They can never be your friends. Throughout my life I tried to own them but I did not succeed in gaining their confidence. Time will come when you will recollect my word and you will repent."¹⁷

While in Kashmir, Abdullah met Jinnah many a time and vainly tried to impress upon him the nationalist's point of view. Jinnah understood that Abdullah had turned deaf ear to his advice. He knew that Abdullah had created National Conference with the connivance of Mr. Nehru and that he was a top nationalist Muslim leader in the States Peoples Conference - a wing of the Indian Congress. Egotism and vengeance of the leaders of the State also added fuel to the fire and the end result was non-rapprochement between the two parties, continuation of discard and distrust inter-se and above all establishment of an important dimension in the equation of the Kashmir Problem.

National Conference leaders should have in the normal course convinced the Muslims of the State of the fallibility of Mr. Jinnah's statements, if they had found him on a wrong path or against the dogmas of nationalist ideology. Instead they arranged some public meetings in Srinagar and gave threats to Jinnah. In one such meeting Abdullah said, "If Jinnah does not give up the habit of interfering in our politics, it will be difficult for him to go back in an honourable manner."¹⁸ At this stage urchins had grown in numbers ever since the formation of National Conference.

Against this sort of unpleasant mood of the National Conference leader, Mr. Jinnah remarked on 24th July, "As regards the Mussalmans, as I said, we are vitally concerned with their welfare; but I regret that although Sheikh Abdullah and his party and the Muslim Conference discussed matters with me in Delhi and in Lahore before my arrival here, and were good enough to accord me a great reception; and were anxious that I should hear both sides and bring about a settlement. When I, after careful consideration, suggested that the Mussalmans should organize themselves under one flag and on one platform, not only my advice was not acceptable to Sheikh Abdullah but, as is his habit, which has become a second nature with him, he indulged in all sorts of language of a most offensive and vituperative character in attacking me. My advice to Mussalmans is that the differences can only be

resolved by argument, discussion, exchange of views and reason and not by goondaism; and one thing that I must draw the attention of the Kashmir Government about is that goondaism must be put down at any cost, and there should be a constitutional liberty of speech and freedom of thought, which is the elementary right of every citizen under any civilized form of Government."¹⁹

Mr. Jinnah left Srinagar on 25th July that year after two and a half months stay over there. On his way back he was presented a welcome address by the people of Baramullah, a town on Jhelum Valley Road 50 kilo meters North West of Srinagar. Thousands of people of that town and surrounding villages had gathered to hear the Muslim League Leader. An ardent supporter of Sheikh Abdullah by name Mohamad Maqbool Sheerwani attempted to kick up a row and disturb the enthusiastic gathering, but the State police and the audience did not permit him to cause any untoward incident. Moving further along Jhelum Valley Road, Jinnah was accorded a grand reception at Muzaffarabad (a border town of the State) in a function which was attended by thousands of the people. Influence of Abdullah in that town was hardly of any significance.

Outcome of Ali Mohamad Jinnah's visit to Kashmir in 1944, among other things, might be summed up as: (a) National Conference lost what little support it had gained in Jammu Province. Muslim Conference gained support of Muslims in both the provinces. Intensity and occurrence of clashes between the supporters of the two parties dwindled considerably, for the educated Muslims of the State in particular, understood Jinnah's interest in Muslim cause little more closely; (b) Sheikh Abdullah was left with no other choice but either to remain willy-nilly with Nehru as before, or to play an alternative card of Communist or Socialist ideology in order to keep himself and his party in active politics; (c) Discard and Distrust that existed between Muslim Conference and National Conference remained, as Mr. Jinnah failed to bring about any rapprochement. As a result Divide and Rule policy of the Dogra Government further strengthened in the State; and (d) Kashmir became a bone of contention between Jinnah and Nehru, which point was directly noted by the British at that time. In due course of time it gradually became a tool in the hands of super-powers, who played it to the hilt in their interest at the cost of millions of population of Kashmir and also of the Indian sub-continent.

To alleviate the influence that Jinnah had imparted on the Muslims during his visit to different parts of Kashmir, or to strengthen his party or to plan alterna-

tive strategy of his party to fight against the ideology of Muslim league, Abdullah had to assure the Muslims of the Valley that his party could fulfill their aspirations. He tried to divert the attention of his followers from religious leanings towards the 'Class Struggle' and the problems that had been created by the alien rule over a period of past more than one century. Emphasis was laid on the removal of the abject poverty of the proletariat. Within a short period of about two months, after Jinnah's departure from Kashmir, his party formulated a plan supported by three charters for Peasants, Workers and Women and named it as 'Naya Kashmir.'

Abdullah then held the next Annual Session of his party at Sopore - then a small town 50 K.M. away from Srinagar. 'Naya Kashmir' Plan of the Party was presented in this session in the form of Party Manifesto. Among other things it included: (a) Abolition of Jagirdari System and Big landed Estates; (b) Ownership and Management of Key Industries by the Democratic State, and forbidding of Private Monopoly; and (c) Guarantee of Rights to Women in Political, Social, Cultural and Economic fields.

Naya Kashmir manifesto would not be acceptable to Dogra Government for obvious reasons that: (1) Abolition of Jagirdari System tantamounted to abrogation of the Principal Clause of the Treaty of Amritsar, viz., Independent possession of the territories of the State by the Dogra rulers; and (2) Hindu Dogra Rajputs and the Ruling clique of Kashmiri Hindus would lose their hold on Jagirs (fiefs), which they or their forefathers had been granted by the Dogra rulers for the past one century. Position of the (Mock) Assembly in the State at that juncture was of the following order:

In an Assembly of 75 members, (a) Members nominated by Hari Singh Dogra were 35, and (b) Members chosen by Maharaja out of nobles in the category of Jagirdars, Landlords and Government Pensioners were 7. Remaining 33 members came by election. Again out of this 33 member quota, 11 members came from constituencies reserved for Hindus and Sikhs. Out of the remaining 22 members, 8 were elected from National Conference, which included Hindus as well; and 14 members were elected from Muslim Conference and other political parties and independent. So out of 75 seats hardly 20 seats were allowed to Muslim community which constituted 80% population. Was it not therefore a Mock Assembly.

In order to gauge the strength and/or intention of the National Conference in adopting the 'Naya Kashmir' Manifesto, the State Government abruptly announced a plan

of Diarchy on 2nd October 1944; according to which two ministers were to be taken from such persons who would command the confidence of so-called State Legislature, which in other words meant that one who would be chosen by the ruler and/or his nobles, would get a chance to become a Minister of Hari Singh Dogra's Cabinet. In the context of the breakup of membership given as above there was normally hardly any chance for the National Conference or the Muslim Conference member to get selected as a Minister by that Assembly without the backing of Hari Singh Dogra. Thus it so happened that on 19th October 1944, Maharaja Hari Singh appointed Mohmad Afzal Beg (Nominee of National Conference) and Ranga Ram (a Hindu Dogra) as his Public Works Minister and Home Minister respectively. Here too the Hindu Dogra ruler trusted a Dogra Hindu to hold the charge of Law and Order. Muslim Conference, however, boycotted that session when these two Ministers were taken.

In the context of sharing of power by the National Conference under the Diarchy Plan of the Hindu Government, Naya Kashmir Manifesto lost all its meaning before it could ever be implemented. Surprisingly National conference leader instead of feeling ashamed, gave wide publicity to 'Naya Kashmir Manifesto'. Paradoxical as it appeared to be, the Muslims of Poonch, Rajouri, Kotli, Mirpur and other areas of Jammu Province, who had heavily suffered under the Jagirdari System were least swayed by this sort of Political Move of the National Conference. Muslims of Kashmir Province too did not take that Manifesto seriously. Further the Manifesto did not articulate any definite programme or policy against the perpetuation of the illegal and illegitimate Dogra rule in the State. Therefore the Manifesto did not catch the attention of the people in general.

Inclusion of the National Conference member in the Hari Singh's Cabinet had created serious doubts among the Muslims as to whether National Conference leaders were really serious about the struggle for freedom of Kashmir or that their ambition was to gain power. Muslim Conference leaders called it a treachery and organised demonstrations in Srinagar on 16th March 1945. Processions were carried out holding hundreds of placards bearing political slogans. Socialist Party of the State, on the other hand, toured the Valley in the Spring and established branches at Budgam, Islamabad, Sopore, Kulgam, Shopian, Tral, and Bandipore, with a specific purpose as to eliminate the influence, if any, of the National Conference in these areas. A wave of resentment was set in the minds of peasantry of Kashmir Valley against the National Conference policies, which also resulted, inter

alia, in formation of Kisan (Peasants) Conference in Kashmir in July that year.

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CRUCIAL STAGE IN THE POLITICAL DEVELOPMENTS OF INDIA

When Congress leaders of British India, who had been put behind the bars in 1942 on the occasion of launching 'Quit India Movement', were released on 6th June 1945, the end of alien rule of British Government in India came in the offing. Whatever form the independence of British India would take, the Princes of Indian States would very much like to retain their so-called sovereignty. Hari Singh Dogra too, like other Princes envisaged a change in the geo-political situation of Indian Sub-Continent. Unlike other States, however, the social, economic, cultural, geographical and geo-political position of Kashmir State was indeed precarious. The State was land locked, surrounded by China, Afghanistan, erstwhile undivided India and, across Wakhun, by Soviet Russia. It was populated by Muslims in predominance, susceptible to frequent disturbances of the people, who had never agreed the Dogra rule to be bonafide and knew that there was lacunae in respect of sovereignty in the original Sale Deed of Kashmir, which the British Government had undergone with their cat's-paw Gulab Singh Dogra - the ancestor of Hari Singh Dogra. These factors must have been hovering upon Hari Singh's mind and heavily imparting pressures on him in due share. Yet he would like to take advantage of the end of the British rule and emerge as a powerful ruler of the Himalayan State, free of encumbrances and interventions from the surrounding countries. This was indeed a formidable task for any ruler in that situation. The fact, however, remains that he did make all possible efforts in that direction. On the outset he hastily removed his pro-Congress Prime Minister Sir B.N.Rao, and appointed one local Kashmiri Hindu by name Ram Chand Kak on 28th June 1945. Mr. Kak had risen to the post of Minister-in-waiting from the lowest position of a librarian of a local college by dint of his craftiness. Nevertheless the reason for the change in the premiership of the State was politically motivated.

Soon after his release from Jail, Jawaharlal Nehru hastily managed his visit to Kashmir. As later developments proved, he had in mind to (a) mitigate the erosion that had been caused on the leadership of Sheikh Abdullah and his party in Kashmir by Mr. Jinnah on his visit to Kashmir in 1944; (b) Project some Muslim members of the Congress Party in to prominence; (c) Restore confidence of Abdullah in Congress ideology and (d) Impress upon the majority community (Muslims) of the State that Congress had no religious bias, was secular in word and deed, and was a true representative of all the communities of 'undivided' India. Having been politically

effaced by Jinnah and brought down in the eyes of Muslims, Abdullah had no other alternative but to seek protection of another alien political party inimical to the ideology of Muslim League. He therefore formally invited Nehru to visit Kashmir. Nationalist Muslims of Congress like Abul Kalam Azad, Mian Iftikhar-ud-din, Asaf Ali, Abdul Gaffar Khan, Abdul Samad Khan and Khan Achak Zai were cleverly included by Nehru on his entourage on this mission. Mrs. Gandhi too had joined him but her visit was more as a tourist than on any political mission. "Muslim Conference decided to hold a peaceful demonstration to show that the State Muslims did not adhere to Congress ideology and were in fact opposed to it."¹

On their arrival on 1st August 1945 in Srinagar, Nehru and his companions were taken in a procession through river Jhelum by National Conference workers. Soon they found themselves in a state of perplexity "when thousands of the people, on both sides of Vitasta (River Jhelum) greeted the guests by waving black flags and raising slogans condemnatory of the Congress and the Nationalists... They hurled stones and dirty rugs on the procession from the river banks and the bridges when the boats passed under them. The Congress leaders escaped any injury miraculously... In the evening an address of welcome was presented to the Congress leaders in the Hazuri Bagh (Now called Iqbal Park), when posters denouncing Congress ideology and expressing lack of confidence in the National Conference were distributed in large numbers..."² Annual Session of National Conference was hurriedly held on 3rd, 4th and 5th August at Sopore, a town 50 K.M. away from Srinagar; where among other subjects a resolution on 'Self-determination of the People' supported by Jawaharlal Nehru was passed; the 'Naya Kashmir Manifesto' of National Conference was adopted a second time and oft repeated demand for complete responsible Government was reiterated.

Nehru's designs of this sort did not, however, radically change what the League President Jinnah had achieved during his two and a half months stay in Kashmir in 1944. Suspicion against National Conference leadership persisted. On the other hand Muslim League launched a vigorous campaign in various parts of British India, improved its strength and made strides in the Indian Assembly elections of December 1945.

Process of termination of British rule from India was soon set in, when the British Cabinet decided in February 1946 to send a mission to India consisting of Sir Stafford Cripps, A.V. Alexander and Pethick Lawrence to discuss with the leaders of various shades in India,

particularly Muslim League and Indian Congress, the modus operandi of the transfer of power and future form of Government in India. They submitted two alternative proposals. "Proposal 'A' (of the Mission) was a three part 'Union of India' offer with the Hindu majority provinces, Muslim majority provinces and princely States all under the umbrella of a nominal Union Government that controlled defence, foreign affairs and communications. Proposal 'B' was that there should be 'two Indias formed from the territories of British India - Hindustan and Pakistan, to either of which, Indian States could be invited to federate. The exact limits of Pakistan would be determined from the religious identity of populations in all districts in the North west and North east regions... Some form of treaty drawn up between these two 'independent Sovereign States' to deal with essential economic matters and question of defence, foreign policy and communications..."³

Pronouncements of the Cabinet Mission set in a tremor in the minds of all shades of people of the sub-continent as a whole. Likely partition of British India and consequent changes in the geo-political system on North western region of India were looming large in the minds of the people of Kashmir State. Pandit Jawaharlal Nehru had in 1939 taken a stand on the Treaty Rights of Princes of Indian States. He had declared in his presidential address at Ludhiana Session of all India Congress, "It is monstrous imposition to be asked to put up with these treaties of a century and a quarter ago, in the making of which the people had no voice or say. It is fantastic to expect the people keep on their chains of slavery, imposed upon them by force and fraud, and to submit to a system which crushes the life blood out of them. We recognize no such treaties and we shall in no event accept them. The only final authority and paramount power that we recognize is the will of the people, and the only thing that counts ultimately is the good of the people."⁴

On the other hand Mr. Jinnah was in doldrums in this respect. Hyderabad - a State predominantly populated by Hindus and ruled by a Muslim Prince, was hovering all the time in his mind. He would very much like annexation of Kashmir State with his 'would-be-Pakistan' but with the idea of continuing Muslim Nizam's rule over Hindu majority (a non-compatible equation) he favoured Hyderabad State to remain independent. This was most unfair, unrealistic, most unwise and dangerous approach of Jinnah, which was later unwittingly followed by Mr. Nehru. This inimical approach inter-se affected in due share the people of the sub-continent in general and added one more dimension to Kashmir Problem.

Political situation in Kashmir, under all these circumstances started showing signs against illegal and illegitimate Dogra rule. National Conference nominee in the Dogra Government Mirza Afzal Beg resigned on 18th March 1946. As a retaliatory measure, a nominee of Muslim Conference was taken by the Dogra government in his place. This step, being non-compatible with the basic policy of keeping Muslim Conference out, proved short lived and a futile exercise. The National Conference leaders then hastily made a vane effort to woo Muslim Conference and submitted a "proposal to form a United Front of the State Muslims against the autocratic Hindu rule... Muslim Conference demanded the dissolution of the National Conference as a pre-requisite for the establishment of the United Front of the Muslims in the State... No agreement was therefore arrived at."⁵

Cabinet Mission, however, visited Srinagar on 19th April 1946, and returned to Delhi on 24th April. The National Conference leader Sheikh Abdullah drew attention of the Mission towards the unique nature of the Kashmir Problem. In his telegram to the Mission he wrote: "...One hundred years back Kashmir was transacted at the hands of the agents of East India Company... The Sale Deed of 1846, which is wrongly called as the Treaty of Amritsar, has sealed the fate of Kashmiris. We challenge the moral and political status of this Sale Deed in which the people of Kashmir never remained a party; and which has remained as a Document of Slavery from 1846 A.D."⁶

Outside the State, however, Indian National Congress and Muslim League leaders were actively engrossed in understanding the substance of the two alternative proposals of the Cabinet Mission and their likely implications. Fear sycosis and suspicion prevailed in the leadership of Congress and Muslim League. Although they both desired to get rid of the British slavery but they feared susceptibilities to future dominations inter-se. Despite the fact that Proposal 'B' of the Cabinet Mission (summarized loco-citato) provided Division of India and Creation of Pakistan, Mr. Jinnah was prepared to put the alternative proposal 'A' of the Mission before his Working Committee if he could be assured that Congress were prepared to consider it. In that case, the North West Frontier Province, Baluchistan, Sindh, Punjab and Bengal would as a whole come under Muslim majority rule. Assam would be cut off. Former three Provinces had Muslim population in preponderance and the latter two viz Punjab and Bengal had proportionately a marginal excess of Muslims over other communities. Punjab had 54.8% and Bengal 52.7% Muslim population (1921 Census). This led to a dispute on 'Grouping of Provinces' between the two political

parties.

A summit meeting of the leaders of the two parties was then held at Simla on 5th and 6th May (1946) under the auspices of the Cabinet Mission. Four members of the Muslim League namely Mr. Jinnah, Liaquat Ali Khan, Sardar Abdur Rub Nishtar, Nawab Mohmad Ismail Khan and four members of Congress namely Abul Kalam Azad, Mr. Nehru, Sardar Patel and Abdul Gaffar Khan attended. "On the morning of May 6, Nehru and Jinnah crossed swords in what was to evolve in to the most deadly dual in Indian history..."⁷ The meeting ended in fiasco.

"On May 8, 1946, Pethick Lawrence sent Jinnah and Azad identical copies of nine suggested points of agreement that started with 'there shall be an all India Union Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental rights and having the necessary powers to obtain for itself the finances it requires for these subjects'; then vested 'All the remaining powers in the provinces' and, as point three stated; 'Groups of Provinces' may be formed and such groups may determine the Provincial Subjects which they desire to take in Common."⁸

Mr. Gandhi rejected these points for various reasons, "primarily because 90 million Muslims would enjoy 'parity' with over 200 million Hindus - an idea he termed 'really worse than Pakistan'"⁹ Jinnah on the other hand, would not be assuaged unless the safeguard of 90 million Muslims was ensured - preferably by 'Grouping of Provinces'. Benevolence for their communities in these leaders was clearly discernable in their approach to formation of future governments, yet the Congress leaders claimed that they were non-communal and believed in secularism.

Important historic change in Indian States took place on 12th, 15th and 16th May 1946 in quick succession. The future of princely States of India was defined by the Cabinet Mission in its Memorandum of State's Treaties and Paramountcy presented by the Cabinet Mission to His Highness, the Chancellor of the Chamber of Princes on 12th May 1946. Clause 5 of that Memorandum reads as: "When a new fully self governing or independent Government or Governments come in to being in British India, His Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they can not contemplate that British troops would be retained in India for this purpose. Thus a logical sequence and in view of the desires expressed to them on behalf of the

Indian States, His Majesty's Government will cease to exercise the powers of Paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. Political arrangements between the States on the one side and the British Crown on the other will thus be brought to an end. The void will have to be filled either by the States entering in to a federal relationship with the successor Government or Governments in British India, or failing this, entering in to particular political arrangements with it or them."¹⁰ Further clarification, on whether any princely State could remain independent after the successor Government or Governments in British India were formed, was given by Sir Conard Corfield of the Political Department to Mr. Nehru by drawing his attention to the last sentence of the above said clause (5) of the Memorandum, viz. 'entering in to particular political arrangements with it or them.'

On the other hand, Mr. Jinnah straightway interpreted provisions of the Memorandum as that 'the States were fully entitled to say that they would join neither of the Constituent assemblies (of successor Governments)... If the States wished to come in, they could do so by agreement but there was no way of forcing them in.' As to the position of Indian States, Mr. Attlee said: "...With the ending of the treaties and agreements the States regain their independence..."¹¹

The position of Sheikh Abdullah must have become precarious at that event. On one hand he had politically been pulled down under the campaigns of Mr. Jinnah and Muslim conference leaders in Jammu and Kashmir, and on the other, the partition of India was in the process of being shaped on communal lines. Kashmir was likely either to get annexed with predominantly Muslim Districts of West Punjab and North West Frontier Province or become independent. In the former case Kashmir would form part of Pakistan and in the latter, the State would continue under the illegitimate Dogra rule as before unless he was thrown out by force and any other means by the people. There were no chances of State's annexation with India, for there existed a predominantly Muslim District of the Punjab by name Gurdaspur between the State and predominantly Hindu Districts of East Punjab. Such factors and apprehensions must have influenced the mind of Abdullah that he saw a ray of hope in the clause of abrogation of Treaties in Cabinet Mission Memorandum on States, as he believed that the spurious Treaty of Amritsar had been abrogated by the British under that Plan and that Hari

Singh Dogra had no locus standi what so ever. He therefore launched 'Quit Kashmir Movement' in the State hastily on 15th May 1946 i.e. only 3 days after the announcement of the Cabinet Mission Memorandum, as if he had caught the time by forelock without prior consultation of his master Pandit Nehru and other Congress leaders.

Abdullah declared the oft repeated conviction of Muslims of Kashmir that Dogra rulers of Kashmir had never attained the sovereign status, and the State was not bonafide because the power or authority of any Dogra ruler was never represented by a body of people politically organised. Hari Singh should therefore quit. In his first public meeting on this subject held in Mysooma in Srinagar on 15th May 1946, he declared: "With the deposition of British, all those Rajas and Maharajas have gone, who were in charge of their subjects in the capacity of cat's-paws of the British imperialism, and all those treaties too have expired which had been brought in force by illegal methods."¹²

On 16th May 1946, the Cabinet Mission made a final move and broadcast its own settlement for the future form of Government in India. Under that Plan, "the basic form of Constitution recommended was a three tier scheme with a minimal Central Union at the top for only foreign affairs, defence and communications; and provinces at the bottom, which 'should be free to form Groups with executives and legislators', with each Group being empowered to 'determine the provincial subjects to be taken in common... An elaborate method of assuring proper representation of all communities was outlined with the consideration given to the representation of States as well as Provinces."¹³ This Plan conformed, mutatis mutandis, with the Proposal 'A' that had been submitted earlier by the Cabinet Mission to the leaders of India, to which Jinnah had tacitly indicated his agreement. Therefore the Muslim League Council accepted the Cabinet Mission Plan without reservations by a large majority in its meeting held on 6th June 1946. Apropos to Mr. Jinnah's interpretation of Cabinet Mission Memorandum in respect of Princely States of India, the working committee of the Muslim Conference in Kashmir presented a preliminary Outline of Independent (Azad) Kashmir on 15th June 1946 at Srinagar in the form of a resolution which was unanimously accepted.

The Congress Working Committee, on the other hand, resolved on June 25, 1946 to accept the Plan with reservations on the limitations of the Central Authority and the system of 'Grouping of Provinces', which in turn,

inter alia, meant pre-occupation of the Congress leader's mind as to which areas of the country would come under Congress rule and which parts under Muslim League domination - a communal edifice in the background on both sides with a false secular facade from Congress side.

During the months of May and June that year Kashmir was in turmoil again. The Quit Kashmir Movement launched by the National Conference leader Sheikh Abdullah, appeared plausible to the Muslims of the State, but somehow, some people suspected that through this sort of a political move in the State at that crucial juncture, the objective of the National Conference leader was only to keep away the Muslim majority of the State from Pakistan ideology and tacitly muster their support for the ideologies of his party and those of the Indian National Congress, which had received a set back during Jinnah's visit to Kashmir and by incessant campaigns of the Muslim Press of Punjab and Muslim Conference Party in the State. Contrary to 1931 Uprising in the State against Hari Singh Dogra, this agitation succeeded in rousing the feelings of the populace suddenly which remained for a short time and subsided; for the people soon suspected the bonafides of Sheikh Abdullah; when Mr. Nehru damaged the demand of Quit Kashmir at its root through the intervention of Congress leaders.

Some people believed that Quit India Movement expedited termination of the British rule from India. Quit India Movement was not the sole or even major factor responsible for termination of British Rule, it is contended. Britain would have normally strengthened its hold over India, for She had, in collaboration with U.S.A. and other countries won World War II. But at the end of this war, the economic, financial and military strength of Great Britain had dwindled much lower and the balance of World Power had tilted in favour of United States and Soviet Union; which factor weighed heavily in regard to Independence of India from the British rule. It would not be out of place to suggest if this important move had not been initiated by the British in consultation with the United States.

As to the Quit Kashmir Movement, however, the attitude of Congress leaders was rather baffling and in contradiction to the stand which All India Congress party had taken in 1939 about abrogation of Treaties of States at the Ludhiana Session. Congress leaders instead wished that Sheikh Abdullah and Hari Singh Dogra should bury the hatchet and embrace each other - a contradictory proposition for the Muslim majority of the State. However, "it fell to the lot of Acharya Kriplani (the then) Congress

President to accomplish this task (of rapprochement)... Kriplani reached Srinagar on the 17th May... met the Maharaja, (Ram Chand) Kak and prominent Nationalist leaders... He condemned the Quit Kashmir Movement strongly publicly,"¹⁴ for it was directed towards the ouster of a Hindu ruler whose ancestors had through treachery usurped a Muslim State. Abdullah was immediately invited to Delhi by Nehru; but while travelling along Jhelum Valley Road, he was arrested at Muzaffarabad on 19th May by the Dogra Government. Next day in a press release Abdullah was alleged to have incited people to destroy the existing government and repudiate allegiance to Maharaja.

A wave of terror was as usual, set in Kashmir Valley by the Dogra Government. Hundreds of people were arrested including the author of this book, who was in teens at that event. On 26th May, Nehru said, "Srinagar is almost a city of the dead where movement is difficult and a large number of people are practically interned in their own houses apart from the many hundred who have been put in prison. Clashes occur daily and even women have been shot down. But what is far worse is the deliberate attempt, reminiscent of the Martial Law days in the Punjab in 1919 to humiliate human beings... Dead bodies are not handed to the relations for burial according to religious rites, but are soaked in petrol and burnt. The mosques including their inner shrines, have been occupied by the military."¹⁵

All this sort of outward sympathy of Nehru for the people of Kashmir did not carry the Quit Kashmir Movement any further, for he did not extend support to this freedom movement in the true spirit. He was only interested in getting Sheikh Abdullah released so that he would help achieve Congress objectives in Kashmir. Had the Hindu majority population of any Indian State revolted against their Muslim ruler, as happened later in Hyderabad and Junagadh, Nehru and all the Hindu leaders of all the political parties of India without exception would be unanimous in applying their outright and unstinted support to the freedom struggle of the Hindu majority of that State. In that case the President of Congress Acharya Kriplani would not have condemned 'Quit Hyderabad' or 'Quit Junagadh' Movement publicly as he did in the case of Kashmir. Mr. Nehru would not feel that 'there were some tactical mistakes in those movements' as he declared in the case of 'Quit Kashmir Movement' with the ulterior motives of annexing Kashmir with India at a later stage. Sheikh Abdullah understood too late these tactics of Indian leaders and vainly stated at his old age: "I was fed up with the double personality and

contrary faithfulness of Indian leaders"¹⁶

This sort of sympathy of Nehru on the plight of the populace in Kashmir was, however, misconstrued by Kashmiri Hindus as if Nehru was supporting 'Quit Kashmir Movement'. They sought intervention of Sardar Patel. In their telegram dated 4th June 1946 to Sardar Patel they condemned Nehru's statement and wrote: "...Sheikh Abdullah's agitation supported by Pt. Jawaharlal Nehru against our beloved Maharaja will be resisted to the last drop of our blood. Kindly intervene."¹⁷ Their apprehensions were that (a) If Hindu Dogra rule was terminated, Kashmir would become a true State ruled by its majority community and (b) If Sheikh Abdullah and Hari Singh buried the hatchet, the Nationalist Muslims would gain access to Hari Singh's Government. In that sort of situation they would be insecure and would lose the lion's share which they enjoyed in the administration.

In the same week, Sardar Patel's statement on the modus operandi of Indian Princes appeared in the Indian Daily 'Hindu'. "Sovereignty", Sardar Patel said, "should vest in the people and not with individual rulers." He believed the Princes were realizing the change that was sweeping forward and would adopt themselves to the new order that was coming. In spite of much repression in many States, he was not aware of any instance in which the subjects rose in revolt to do away with the rulers."¹⁸ This either meant that he did not believe that Quit Kashmir Movement tantamounted to any revolt against the Dogra ruler, or that his reference was to other Indian States where Hindus were in majority.

Contrary to Sardar Patel's version that the sovereignty of States should vest in the people, the Standing Committee of All India States Peoples Conference, under the guidance of Nehru passed a resolution declaring that, "In accordance with the policy of the All India States Peoples Conference as well as of the Kashmir National Conference, the objective aimed at in the State (Kashmir) is full responsible Government under the aegis of the ruler."¹⁹ Mr. Nehru in his statement, simultaneously, 'urged the Kashmir Government to release Sheikh Abdullah and his colleagues and thus remove the root cause of the trouble.'²⁰ Words like 'Under the Aegis of the Ruler' in this resolution were craftily included obviously because a Hindu ruler would, otherwise, have been replaced by a local Muslim head of the State if 'Quit Kashmir Movement' succeeded in overthrowing the illegal Dogra rule from the State. Another surprising element in this resolution was that it reflected the consent of Kashmir National Conference in absentia; for its leader Sheikh Abdullah

and a large number of his party workers were in prison at that time. The Quit Kashmir slogans and the text of States Peoples resolution, as is evident, were glaringly contradictory with each other. If Abdullah and the Working Committee members of National Conference were not consulted by the States Peoples Conference in drafting this resolution, it reflected the conduct of Indian leaders, more particularly of Mr. Nehru who designed this sort of derogatory resolution, which tantamounted to sabotaging the Freedom Struggle of Muslims of the State at its back. Image of Pandit Nehru took a nose dive in the minds of the Muslims of Kashmir and it never retrieved thereafter.

Kashmiri Hindus must have been relieved to some extent of their anxiety. Further Sardar Patel also wrote a letter in the same week to Jia lal Jalali, a leader of the State Hindus Conference, in which he stated: "After all, he (Mr.Nehru) is also a Hindu and that a Kashmiri Hindu; and he is one of the foremost patriots and one of the greatest leaders of modern India. He is, as all the human beings are, liable to err. But all his actions are governed by considerations of highest patriotism. Therefore you need not be afraid of him or his actions."²¹ True, Mr.Nehru's actions, could not, in any case be derogatory to the interests of Hindu minority of Kashmir State.

On 17th June 1946, however, Nehru sent a telegram to Hari Singh Dogra asking for his permission to visit Kashmir. His request was not acceded. Nehru still decided to visit Kashmir."From Rawalpindi and Murree a contingent of Congress volunteers numbering nearly three hundred accompanied him with the purpose of forcing the State authorities at Kohala, the border town, to lay down arms and allow him to the Valley. It looked like an incursion of foreign marauders in medieval times... The invader arrived with his army at the appointed time. The Congress men shouted slogans supporting Nehru and his incursion and on the other side Dogra demonstrators waved black flags."²² A prohibitory order was served upon Mr. Nehru by the District Magistrate of the Dogra Government, when he crossed the Kohala bridge (on the border) on 19th June 1946. Mr. Nehru refused to comply. "He and Diwan Chaman Lal (another Congress leader and advocate) received slight bayonet injuries when they tried to push back the sentries armed with bayonets, who tried to bar their way in to the State territory."²³ When, however, Mr. Nehru advanced his party 50 miles inside the territory of the State and reached Dak Bungalow at Domel, he was arrested on 20th June for defying the orders of the District Magistrate.

An important question here arises as to whether this sort of incursion on the part of Nehru and his party workers did not constitute as the first novel political invasion of a strange sort on Kashmir State, which he (Mr. Nehru) later justified when he said, "I do not consider myself an outsider in any State. The whole of India is my home and I claim the right to go to any part."²⁴ If this type of justification had any validity, should Mr. Nehru have denounced the incursions of tribesmen of North West Frontier Province in to the State in 1947; for they too were inhabitants of erstwhile British India. The difference in these incursions, of course, was that Mr. Nehru, inter alia, desired to fight for the release of Sheikh Abdullah and ensure some sort of Government under the aegis of the Dogra ruler. He intruded in the State with the help of political might that he possessed at that time. Militant tribesmen on the other hand were instigated by interested party and they intruded in the State in 1947 to support the freedom struggle of the majority community of the State, desired to oust illegitimate Hindu ruler and ensure peoples government over there, and also release hundreds of freedom fighters, who were at that time lying in various Jails and Lockups of the State. Objectives of the Muslim tribesmen of Frontier Province in essence conformed to the demands which Sheikh Abdullah had made under the Quit Kashmir Slogans.

In these two historic intrusions of outsiders in to Kashmir, there was one more difference. That was Mr. Nehru timed his actions well, caught the time by forelock, started earlier, planned every step and remained consistent in his efforts to achieve his goals steadily over a longer period. The leaders of Pakistan, on the other hand, were always caught napping, and thinking that Kashmir was an inseparable part of Pakistan.

Indian National Congress, however, reacted sharply against the Dogra Government for having arrested Nehru and his party men in Kashmir. The political might of Nehru in British India was agitated. Either due to that political pressure or due to the intervention of British Government, Hari Singh Dogra ordered their release on 22nd June and directed them to go out of the State.

The declaration of States Peoples Conference that Quit Kashmir Movement was aimed only to achieve a responsible government under the aegis of the Dogra ruler, resulted in a sudden political set back for the National Conference and its leader. Muslims once again became suspicious about the bonafides of Abdullah. At that event the Author was behind the bars for having taken part in that agitation. When the news of Mr. Nehru's attitude towards

the freedom struggle broke in the Central Jail at Srinagar, it set a wave of anger in the minds of political prisoners; for they seriously felt that the resolution of the States Peoples Conference exhibited the diabolical behaviour of the Indian leadership and Sheikh Abdullah in a vivid form; for the Congress leaders were, till then, deemed as the ardent supporters for the ouster of Princes and introduction of Peoples rule in all the States of India. Many a prisoner particularly those detainees awaiting trial in the lockups, Jails and sub-jails soon begged for pardon and were released on an undertaking that they would not take part in that agitation. People lost faith in Sheikh Abdullah once again and his political image again fell to the lowest ebb. Hari Singh Dogra took advantage of that situation and involved Abdullah in many a criminal case including rebellion.

Shortly thereafter, the Dogra Government realized the fact that Mr. Nehru did not favour Abdullah in abrogating the Treaty of Amritsar and/or ouster of Dogra rule from the State. Therefore the ban on Mr. Nehru's visit to Kashmir imposed earlier was lifted. He visited Kashmir on 24th July that year and met among others Sheikh Abdullah in Jail and tacitly told him to revise his strategy. On his return from Kashmir, Mr. Nehru told the Indian Press that the leaders of National Conference had committed mistakes by starting the Quit Kashmir Movement. He favoured acquittal of Abdullah but not the ouster of the illegal Hindu Maharaja. Abdullah lost whatever support he had gathered from Muslims of Kashmir. Dogra Government could then openly allege National Conference workers as being gangsters. Ram Chand Kak, Prime Minister of Hari Singh's Government then wrote to Sardar Patel that "... the vast majority of the people are with us in regard to our intention to suppress lawlessness and gangsterism."²⁵ Suspecting the intentions of Mr. Nehru about the future of the State, Muslim Conference called a special convention on 27th July that year and resolved among other things, that Kashmir State would remain independent after the lapse of paramountcy and abrogation of the Treaty of Amritsar.

Congress leaders, however, arranged the services of two lawyers by name Asaf Ali and Diwan Chamen Lal to defend Sheikh Abdullah in the trial Court. While arguing for the defendant, Mr. Asaf Ali finally declared in the Court: "It is (the Year) 1946. The British have declared that India has the right to remain independent...that (any) Supreme Court of the World will reject that disdainful one century old Sale Deed (The Treaty Of Amritsar)."²⁶

The state of affairs outside the State in undivided India were going from bad to worse at that time. "Mr. Jinnah convened his Council to re-examine 'the whole position' in the light of broken British 'pledges' and of Congress defiance of the League and rejection of the mission's plan... Qaid-i-Azam continued 'that the only solution of India's problem is Pakistan... He (Gandhi) says that the Congress ... is the trustee for the people of India... We have enough experience of one trustee that has been here for 150 years. We have now grown up, The only trustee of the Muslims is the Muslim nation."²⁷ The Working Committee of the Muslim League thereby resolved on July 29, 1946 to withdraw their previous decision of the acceptance of the Cabinet Mission proposals of May 16, and chalked out the League's Direct Action Plan to achieve Pakistan. Thus the dispute between the leaders of Congress and Muslim League over the 'Groupings of Provinces' and 'limitation of the Central Authority' resulted in forging ahead the division of India and creation of Pakistan, for which Mr. Jinnah can not be blamed.

On August 6, 1946, Wavell wrote to Mr. Nehru to submit proposals for the formation of the Interim Government. Nehru instead wrote to Mr. Jinnah to cooperate in the formation of a coalition Government and offered five seats to the Muslim League on a Cabinet of fourteen. This suggestion was turned down outright by Mr. Jinnah and he refused to participate in any such interim Government without accepting the principle of parity. As declared early by the Muslim League, nation wide strike was observed on August 16, 1946 by Muslims in almost all parts of British India.

Calcutta witnessed communal riots for the first time. Many other parts of India too were affected by widespread communal frenzy. On August 21, Lord Wavell informed Pethick Lawrence (Member of the Cabinet Mission) that 'present estimate' of casualties was 3000 dead and 17000 injured...'The latest estimate' of casualties was that 'appreciably more Muslims than Hindus were killed."²⁸

On 24th August, Wavell announced that Mr. Nehru and 13 colleagues of his choice would form a new interim Government. Mr. Jinnah had refused to participate. This tantamounted to striking a blow on the Muslim League. Nevertheless Wavell simultaneously suggested to Mr. Gandhi and Nehru not to convene the Constituent Assembly until they agreed to his new formula of 'Grouping of Provinces'- a vexed issue that damaged the web of unity and mutual trust among Hindus and Muslims. Mr. Gandhi reacted sharply to that suggestion. Mr. Wavell then wrote

to Pethick Lawrence: "The strong reaction by Gandhi to my suggestion that Congress should make their assurance about the 'Grouping' categorical, shows how well justified Jinnah was to doubt their previous assurances on the subject... It is to my mind convincing evidence that Congress always meant to use their position in the Interim Government to break up the Muslim League and in the Constituent Assembly to destroy the 'Grouping Scheme', which was an effective safeguard for the Muslims."²⁹

The tempos of the two communities, however, rose to the breaking point in some parts of British India, as the date for formation of Interim Government drew near. Communal disturbances broke in Bombay on 1st September when only one day was left for forming the Interim Government. This resulted in killing of 200 persons of the two communities. Notwithstanding such developments in the country and refusal of Muslim League to participate, Mr. Nehru formed his Interim Government on 2nd September and placed his close associate Sardar Patel in charge of Home Affairs. Defence portfolio was given to a Sikh colleague Sardar Baldev Singh. Foreign Affairs was held by Nehru himself and finance was given to a Christian Congress member of South India. The Congress leaders would cry hoarse that Congress was a secular body, but when it came to practice they showed cold shoulder to the Muslim community. In allocating portfolios of significance like Defence and Home, Muslims were not trusted.

Situation in Kashmir State was little baffling at this juncture. The trial court of the Dogra Government in Kashmir found Mr. Abdullah guilty in three cases including sedition. On 10th September, when Mr. Nehru led the Interim Government in British India, Abdullah was sentenced to three years imprisonment in each case by a special court set up by Dogra Government for that purpose. As the punishments were to run concurrently it made a total period of imprisonment to only three years. Normally the fake ruler of Kashmir would have marked time, when Mr. Nehru was at the helm of affairs in India. Hari Singh would have directed restraint in announcing the punishment of Nehru's colleague at that event, if there was any control of the British Government in India on Kashmir State. But that sort of a thing did not happen, which meant that the Interim Government had not been given any locus standi in respect of States. The only thing Mr. Nehru could do was that he wrote a letter on 16th September to Lord Wavell - the Viceroy and Governor General of India, wherein he drew his attention to the sentence of imprisonment given to Sheikh Abdullah, likely repercussions in the country and the State,

harassment of National Conference workers by the Dogra Government and unwarranted detention of his close associate and Secretary Dwarka Nath Kachru - a Kashmiri Hindu. Mr. Kachru, it may be stated here played a fifth columnist role on behalf of Congress in Kashmir and added new dimensions to Kashmir problem. Mr. Nehru further suggested to Wavell, on behalf of the Working Committee of Congress, that it was necessary to send a deputation to inquire in to the reports of repression and suppression of civil liberties in Kashmir. On the same day an adjournment motion was moved in the so-called State Assembly in Kashmir by Chaudri Hamidullah Khan, leader of the Muslim Conference group in that Assembly. He alleged Mr. Ram Chand Kak, the then Prime Minister of Hari Singh's Government, of having given an understanding to Patel "that he will suppress all tendencies towards the growth of Pakistan ideology in the State."³⁰ In another adjournment motion later, a Hindu Dogra member of this Assembly by name Balramdas alleged "the keen dissatisfaction resulting from an attempt made by the Working Committee of the Indian National Congress to interfere in the internal affairs of the State, as evidenced by the announcement made on the radio regarding sending a delegation to Kashmir - a course which is opposed to their declared policy of non-interference in the internal affairs of States."³¹

On 25th September that year, Congress Working Committee resolved that there was a need to liberalize State Constitution in order to make it more democratic and responsible as there were apprehensions of manipulations in the forthcoming elections of the State Assembly. But Hari Singh Dogra turned deaf ear to such a suggestion.

There were, however, no widespread repercussions caused in the State or elsewhere in India, on account of Abdullah's imprisonment. It was most probably because the essence of Quit Kashmir Movement had been rescinded by Mr. Nehru and the conditions prevailing outside the State, in India were non-conducive for nationalist Muslims of Congress party.

In Kashmir, however, the apprehensions expressed in the so-called Assembly by Chaudri Abbas, the leader of Muslim Conference, came out true; when Ramchandra Kak appeared in true colours and adopted all possible means to curb growing tendencies among Muslims towards Pakistan ideology. Annual session of Muslim Conference was held on 24th October that year in Srinagar under the chairmanship of Chaudri Abbas. Top Muslim leaders from all parts of Kashmir, belonging to Muslim Conference, were arrested on 24/25th October night and kept under detention.

Lord Wavell, in the meanwhile, was busy in wooing Mr. Jinnah and finding ways and means of rapprochement between Muslim League and Congress leadership. Mr. Jinnah was insistent on rotating the Vice President's position in the Cabinet with Mr. Nehru on the principle of parity. On the other hand Nehru and Gandhi tried to convince the Viceroy (Wavell) that, "they did not want Jinnah and the League in the interim Government."³² This sort of egoistic and unrealistic approach on the part of leaders like Jinnah, Gandhi and Nehru did contribute to a large extent to the disaster of the sub-continent at a later stage that it got haplessly divided at the cost of huge loss of life and property and created perpetual hate, animosity and distrust among varying shades of the people in the sub-continent. Lord Wavell said: "Gandhi at the end exposed policy of domination more nakedly than ever before." 'The more I see of that old man', Wavell admitted, 'the more I regard him as an unscrupulous old hypocrite.'³³

The Viceroy (Lord Wavell) then induced Mr. Jinnah to give five names for the Muslim seats for formation of a coalition Government with Congress. Mr. Jinnah then under some pressure unwillingly fell back. He nominated four members of Muslim League by name Liaquat Ali Khan, I.I.Chundrigar (from Bombay). Abdur Rub Nishtar (from Frontier) and Ghazanfer Ali Khan (from Punjab), and one schedule caste member J.N. Mandal who was the Law Minister of Bengal Province at that time.

"The new coalition was officially announced on October 15. But as the communal rioting spread from Bengal to North West Frontier, the Congress-League coalition was off to a most precarious start. A major stumbling block was that the League insisted on pre-empting at least one of the three most powerful Cabinet positions - foreign affairs, home or defence - held by Nehru, Patel and Baldev Singh, respectively. Congress was unwilling to relinquish any of those jobs..."³⁴ Instead Nehru was willing to turn over Finance portfolio to Muslim League, which was held, at that time, by a member of Christian community. Congress further threatened to resign from interim Government, if Patel's Home Ministry portfolio went to the Muslim League. Reluctantly, however, Jinnah accepted Finance portfolio to be taken over by his close associate Liaquat Ali Khan. Notwithstanding all the outwardly rapprochement between the two major political parties of India, "there was no reconciliation, no solution to the problems of fundamental mistrust, suspicion, fear and hatred... India's newly elected Legislative Assembly met on October 29, with Nehru and Liaquat Ali Khan seated side by side on the Governments

front bench, neither smiling or saying a word to each other all day."³⁵

Having accomplished the hard and vulnerable task of bringing Muslim League in the Interim Government, Lord Wavell then insisted Jinnah to accept the Cabinet Mission statement of May 16, as the same was a corollary of joining the Interim Government. But it was difficult for him to agree to such a proposition without first getting the consent of Congress on the outstanding issue of 'Grouping of Provinces'. Therefore Mr. Jinnah did not fall back at this point. He declared instead, "that in his view, 'the only solution' to India's present communal situation 'is Pakistan and Hindustan' ... anything else would be artificial and unnatural... On the interim Government Mr. Jinnah said: "...the Muslim League Ministers were there 'as sentinels' who would watch Muslim interests in the day to day administration... Asked if he favoured abandoning the Interim Government, Mr. Jinnah replied, 'I have said this: It was forced upon us. The present arrangement I do not approve of.'"³⁶

Since the Viceroy had, at the insistence of Mr. Nehru, agreed provisionally to convene the Constituent Assembly on December 9, that year, Jinnah knew that the only effective safeguard for the Muslims in United India was the 'Grouping Scheme of Provinces'. That would naturally be rejected by the majority votes of Congress in the Constituent Assembly. Therefore Jinnah announced on November 22nd that "No representative of the Muslim League will participate in the Constituent Assembly."³⁷ When on 9th December, the Constituent Assembly finally met in New Delhi, all the 79 seats of Muslim League members remained empty, while almost 300 Congress representatives took their seats in the Assembly Hall. Thus a fresh stalemate reached in the political differences of Muslim League and Congress, which inter alia, necessitated the British Government to call off the Cabinet Mission from India and prepare 'Statements of Settlement' of the dispute and transfer of power de novo.

With the Cabinet Mission's failure, Lord Wavell's term as Viceroy and Governor General of India ended in gloom as a natural corollary. "The Secretary of State (of the British Government in London) invited Lord Wavell to return home at once with two representatives of the Congress and two from the League to discuss the entire situation and seek a new 'settlement formula.'"³⁸ This again meant adherence to the principle of parity and recognition of the fact that Hindus of all castes, Sikhs and other non-Muslim communities were represented by the Congress and Muslims by the Muslim League. "The Secretary

of State confessed that the Cabinet Mission's three tier 'solution' seemed to be losing its hold on the thought of both parties... (but) still they tried to convince Nehru that it might just possibly be better to form the 'Groups (of Provinces)' that would have satisfied it three months ago."³⁹

Lord Louis Mountbatten was invited by Prime Minister Mr. Attlee on December 18, 1946 to succeed Lord Wavell as the new Viceroy of India, but it took the British Government little more than three months in preparing the ground for alternative strategy of transference of power to the two recognized political parties of India, before Mountbatten was formally sworn in as the Viceroy of India.

While the tussle for power in British India continued, peoples of the princely States eagerly awaited for freedom. Hari Singh Dogra wanted to attain independence and continue his illegal and illegitimate hold on the people who hated him. Muslim Conference had given its mind as to the future of Kashmir that it wanted to make it an independent State. Hari Singh's Government at this stage held elections in January 1947 again on the same old basis that out of 75 seats of the so-called Assembly only 22 seats were to be contested by political parties of Kashmir and remaining 53 seats nominated by Hari Singh, chosen out of nobles of the ruler and from reserved constituencies of Hindus and Sikhs. It was indeed a mockery and he called it democracy. Only 21 seats were, however, contested. Muslim Conference won 16 seats. This political party thereby claimed to be the sole representative body of the Muslim majority of the State.

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UNIQUE PLANS FOR REPLACEMENT OF BRITISH RULE IN INDIA

The stage for independence of India was set by the British Government on 20th February 1947, when Mr. Attlee (Prime Minister) informed his peers in the Commons that his Government had a definite intention to transfer power in to responsible Indian hands by a date not later than June 1948; and outlined the procedure, inter alia, of ascertaining views on partition of Provinces through Provincial Legislative Assemblies in India; and indicated that his Government desired to introduce legislation in this behalf. This sort of declaration came at the event when tension had grown; when Hindus and Muslims in India were mentally drawing apart. It acted as a bombshell and added fuel to the fire. "Communal riots broke out on a colossal scale and men, women and children began to be slaughtered as sheep and goats. Panic and helplessness were writ large on all faces."¹

The India debate was then launched in the Commons on March 5, 1947. Sir Stafford Cripps, who led the Cabinet Mission in India, defended the policy of British Government in this behalf and Sir Winston Churchill - the veteran War hero spoke the opposition's mind. Churchill launched a bitter attack on "the Government of Mr. Nehru, which he called a complete disaster, insisting that, 'It was a cardinal mistake to entrust the Government of India to the Caste Hindu.'² Turning to the new Viceroy (Mountbatten) Churchill argued: "India is to be subjected not merely to partition, but to fragmentation and to haphazard fragmentation. A time limit is imposed - a kind of guillotine - which will certainly prevent the full, fair and reasonable discussion of the great complicated issues that are involved. These 14 months will not be used for the melting of the hearts and the union of Muslim and Hindu all over India. They will be used in preparation for Civil war; and they will be marked continually by disorders and disturbances such as are now going on in the great city of Lahore."³

The last part of the above statement of Mr. Churchill in effect came out to be true under the communal atmosphere that prevailed in India at that time. As the following of Muslim League grew among Muslims of the country, the nationalist Muslim leaders of Congress party fell in disarray. The stronghold of Congress in that sense was North West Frontier Province adjoining Kashmir State. There the Muslim League became so powerful that its followers broke most of the windows of the Congress Premier, Dr. Khan Sahib's house in Peshawar. Rioting spread fast to Multan, Jullundur, Amritsar, Rawalpindi and Sialkote, which lay in the close proximity of Kashmir

State. "There were ... no firm casualty figures for the Punjab, but Jenkins estimated that about 1000 persons had been killed in (that one) month of rioting and many multiples of that figure wounded..."⁴

British Government then thought of ascertaining views of Provincial Legislative Assemblies in India on Partition of Provinces. That accelerated disorders and disturbances, which in their worst form ultimately proved to be an unprecedented historical holocaust in the Indian sub-continent.

Lord Mountbatten was to be sent forth, not only as the new Viceroy of India but on an important mission to seek agreement of the two major political parties on ascertaining views of respective Legislative Assemblies on partition of their provinces. The stupendous task was envisaged by the British Government and probably on that score Lord Hasting Ismay, Secretary of the Imperial Defence Committee (1938 to March 1941) was appointed as Chief of the Staff to Lord Mountbatten.

At this point of time, Mr. Nehru hurriedly deputed his friend and roving ambassador Mr. Krishna Menon to convey Congress opinion to Lord Mountbatten on partition. Mr. Menon met Mountbatten in London on 13th March that year and "proposed (creation of) two Pakistans, one on the North West, partitioning the Punjab as well as Sindh, the other in the North East."⁵

This sort of proposal was in fact ruinous. It fitted, mutatis mutandis, with the revised thinking of the British Government. It helped them to push forward their plans without taking any blame on themselves. Soon after, Mountbatten left for New Delhi on 22nd March where he was sworn in as the new Viceroy of India on 24th March 1947. First indication as to which way the wind would blow under Mountbatten's mission came on 1st April i.e. only six days after he assumed office, when he had a meeting with Mr. Jinnah and "described him as most frigid, haughty and disdainful."⁶ This in turn meant that Mr. Jinnah did not see eye to eye with Mountbatten on the proposals of partition of Provinces.

Mr. Krishna Menon, on the other hand, continued to keep in touch with Mountbatten. Besides the problem of transference of power in India, he did not hesitate to discuss international situation and "warned Mountbatten against America's object in India ... to capture all the markets, to step in and take the place of the British and finally ... to get bases in India for ultimate use against Russia."⁷ Menon's advice or warning to

Mountbatten carried no meaning for he knew better what the interests of the United States and/or British Government were in the Indian sub-continent.

World War II had tilted the balance of world power in favour of U.S.A., although U.S.S.R. too had her share. A strife for neo-colonialism and hegemony of global powers started. Old British empire had shown its signs of crumbling under its weight and changed conditions. Alternatives to direct territorial domination were evolved in: (a) Capture and exploitation of as many markets in the world as could be had by all possible means; (b) Economic and Financial controls; and (c) Macro-spread of the military, naval and air bases in every continent.

To achieve these objectives, U.S.A. in collaboration with some countries in Western Europe brought to the fore Containment Policy and Defensive Perimeter against communism. That policy in due course of time gave rise, inter alia, to military alliances in different parts of the world against communism. Mr. Bhutto believed that "western interests required a united India in order to face the Soviet Union more effectively and to retain large markets for economic exploitation."⁸ China had not, at that point of time, been taken over by communism, but it was in the throes of a civil war. It was only a matter of time that it would fall to communism. Therefore as a precautionary measure long term plan of containment of communism made it imperative to make India strong enough to contain it. In the Defensive Perimeter India occupied a pivotal position, which needed due attention. A weak and fragmented India would not serve the objectives of the U.S.A. and the British Government; for in that case the defence of this region against communist domination would be weakened. Fragments of this vast country would not stand before the might of either U.S.S.R or China. Again if India were left by the British as one state united, it would hardly stand for long. Its historical background, patterns and modus operandi of the past governments, regional conflicts, communal, ethnic and geographic differences etc. were bound to burst the Indian sub-continent in to fragments in due course of time. Therefore its solution lay in identifying the key conflicts, isolating and weakening the forces of conflict in the sub-continent to the extent possible, so that India could assume a position lesser susceptible to internal disruptions. Creation of a truncated Pakistan therefore became a part of this plan for crystallization of Indian nationhood on one hand and as an effective measure to control the spread of communist domination in the southward direction in to the sub-continent or Indian

ocean. Therefore partition of India was not made by the British with the intention that it wanted to favour Mr. Jinnah and the Muslims of Indian Provinces, or weaken India. This plan, it is believed, was evolved on a long term comprehensive basis, most probably in collaboration with the U.S.A., under an overall strategy of containment of communism in Asia.

As to the political developments in Kashmir State at that given point of time, Indian National Congress was consistent in an effort to seek release of Sheikh Abdullah. Sardar Patel tried to meet the Hindu Prime Minister of Kashmir in person and discuss with him ways and means of annexation of Kashmir with Bharat. When he failed to contact him, he wrote to him a letter on 11 April urging him to reconsider the issue of release of Sheikh Abdullah in the context of developments which were to take place in India. Dogra Government turned deaf ear.

Shortly thereafter, the plan which the British Government had previewed for division of India became known. "Nehru wrote to Mountbatten that the plan he had previewed 'frightened me ... Much that we had done so far, was undermined and the Cabinet Mission's scheme and subsequent developments were set aside; and an entirely new picture presented - a picture of fragmentation and conflict and disorder, and ... of a worsening relations between India and Britain.'"⁹ On this Mountbatten, in consultation with Lord Ismay redrafted the plan and accommodated the view point of Congress to some extent and showed the revised proposals to Liaquat. He then asked Liaquat whether the Muslim League was going to accept partition of the Punjab and Bengal, he replied, "We shall never agree to it, but you may make us bow to the inevitable."¹⁰ "The Viceroy (had) informed Jinnah of Suhrawardy's ... hope that 'he might be able to keep a united Bengal on condition that it joined neither Pakistan nor Hindustan'. I (Mountbatten) asked Mr. Jinnah straight out what his views were about Bengal united at the price of its remaining out of Pakistan. He said without any hesitation, "I should be delighted. What is the use of Bengal without Calcutta; they had much better remain united and independent. I am sure that they would be friendly with us."¹¹

"The Muslim League can not agree to the partition of Bengal and the Punjab," Jinnah wrote, "It can not be justified historically, economically, geographically, politically or morally. These provinces have built up respective lives for nearly a century ... and the only ground which is put forward for the partition is that the areas where the Hindus and Sikhs are in majority, should

be separated from the rest of the provinces ... The results will be disastrous for the life of these two provinces and all the communities concerned ... If you take this decision - which in my opinion will be a fateful one - Calcutta should not be torn away from the Eastern Bengal ... If worst comes to worst Calcutta should be made a free port."¹²

"Jinnah thus tried his utmost and actually believed till the bitter end that he might be able to avert the bloody disaster of subdividing both Bengal and the Punjab while extricating Pakistan's North Western provinces from the Indian Union, thus leaving a unified Eastern Bangladesh on its own."¹³

Finally "Jinnah wired the (British) Cabinet demanding that before Bengal and the Punjab were partitioned, a referendum should be held in each province to determine the will of its people in this vital regard. Mountbatten, however, spoke against that proposal, insisting it 'would merely result in delay'. The Cabinet 'agreed' and the imperial steam roller moved ahead in high gear."¹⁴ That way all the protests of Muslim League leaders on partition of Bengal and the Punjab were set aside by the British Government.

Mr. Attlee later wrote in 1954 that, "Hindus and Muslims, however, found it impossible to agree on a single Government for the whole of India - the solution which had striven to effect - and it was by the decision of Indians themselves that the partition was made."¹⁵ This is how the British Government pushed forward the scheme of partition of Bengal and the Punjab in a manner that suited them without taking the blame on themselves. Mr. Attlee's statement, however proves the fact that British Government plans of Partition of India were morally bad and contrary to justice.

In a Jammu daily 'Kashmir Times' of August 16, 1989, Mr. Bhasin (Indian Journalist) later wrote: "Mountbatten decided that the Cabinet Mission framework had become untenable, and formulated an alternative with the code name 'Plan Balkar'. This envisaged transfer of power to separate groups. However the plan had to be abandoned and Sardar Patel's suggestion of transfer to two central Governments, India and Pakistan, on the basis of grant of Dominion Status (Self government) was taken up instead. Accepted by Congress, League and Sikh leaders on June 2, 1947, this finally became the basis of Pakistan."

Partition of India, it may be argued by some was a sine-quo-non under the circumstances which prevailed at that

time, but the way Partition Plan was put through and imposed under Radcliffe Award on the two newly created Dominions was heinous, for the opinions of Congress and Muslim League nominee judges on the Boundary Commissions of the Punjab and Bengal, were bound to differ on vulnerable points. British Government took full advantage of that situation and achieved what it wanted in the garb of Boundary Commissions under the chairmanship of their own man - Cyril Radcliffe. The scheme of partition was such that created unprecedented holocaust in the Punjab province in particular and left behind a perpetual conflict between the two countries rather than a friendly atmosphere which was badly needed in the strife torn country after two centuries of servitude of its people under the British rule.

In respect of Princely States, Mr. Jinnah reiterated his stand on May 21 that year, when he declared: "They must, as completely independent states, free from paramountcy, consider, what is in their best interest and it will be open to them to decide whether they should join the Pakistan Constituent Assembly or the Hindustan Constituent Assembly."¹⁶ Further he clarified the "in his view the states were fully entitled to say that they would join neither of the Constituent Assemblies ... If the States wished to come in, they could do so by agreement, but there was no way of forcing them in."¹⁷ This sort of a statement at that juncture was probably deemed necessary by the Muslim League leader, so that the Cabinet Mission Memorandum of States Treaties and Paramountcy as well as the clarification of the Political Department of British Government on the States assuming independent status, was not changed.

His Majesty (British) Government Plan or Mountbatten Plan or Scheme of Partition of Provinces of British India, as it was called, was published on 3rd June 1947. It mostly dealt with the partition of provinces of British India. "In this Plan, the position of Princely States was dealt with in a small paragraph which read: 'His Majesty's Government wish to make it clear that decisions announced above (about partition) relate only to the British India and their policy towards Indian states contained in Cabinet Mission Memorandum of 12th May, 1946 remains unchanged.'¹⁸ Mountbatten declared later: "There had been universal acceptance among the States of the Cabinet Mission's Memorandum of 12 May." Therefore no specific change was brought about in that Memorandum under the June 3, Plan.

Under this Plan, however, India was to be divided. Muslim majority areas in British India would constitute Pakistan

and Hindu majority areas would form Bharat. "As a matter of fact it was the Congress which demanded that it should be so. By accepting the Plan for Partition of India and by demanding the Division of Bengal and the Punjab on communal basis, the Congress leaders had virtually accepted the two-nation theory of Jinnah and proved that their organisation, despite their presumptions, was in essence a political body functioning for the protection of the rights of Hindu Community."¹⁹ On publication of this partition plan, however, the leaders of all the main political parties of India including Muslim League accepted it in unambiguous terms, and the atmosphere of rivalry between Muslims and Hindus gained momentum beyond retrieve.

Having just reached a milestone in the struggle for freedom of their motherland, the leaders of India started looking forward for the likely shape and size of the two dominions and annexation of Princely States. All India Congress Committee passed a resolution on June 15, repudiating the rights of States to become independent. It meant that interpretation of Clause 5 of the Cabinet Mission Plan was again disputed by Mr. Nehru despite the fact that the clarification, as sought by him, had already been issued by Sir Conard Corfield of the Political Department of the British Government early in May 1946, upholding the rights of Princes to adopt any course they liked. Mr. Jinnah, therefore, immediately made it clear on 17th June, that "constitutionally and legally the Indian States will be independent sovereign states on the termination of paramountcy and they will be free to decide for themselves and to adopt any course they like."²⁰

After the publication of June 3rd Plan, Mountbatten told to all princes/rulers of the States, "You are about to face a revolution ... In a very brief moment you will lose for ever your sovereignty. It is inevitable. Do not, he pleaded, turn your backs on the India emerging on 15 August ..."²¹ This meant that it was in the interests of Princes themselves to do so, for (a) their treaties with the British would lapse on that day, (b) They would be required to establish whether the people trusted them as the sovereign heads of the States after they lost the treaty rights on 15 August, whereunder they governed the States under British rule. In so far as Jammu and Kashmir was concerned, the treaty of Amritsar, or the fraudulent land transaction deed as it was locally called, lapsed on 15 August 1947. Strictly speaking Hari Singh Dogra, the grand son of Gulab Singh, to whom the territories of Kashmir were transferred by the British without any sovereign rights over its people, did not, obviously,

lose sovereignty, for he or his ancestors had never gained sovereign rights to rule the people of the fake State. It may be repeated here that the Treaty of Amritsar is devoid of a clause on sovereignty or even suzerainty. Treaty of Lahore, on the other hand, under which the British Government had acquired the territories of Jammu and Kashmir fraudulently from the infant king of the Punjab in lieu of indemnity of Sobraon war did contain a clause on perpetual sovereignty in favour of the British Government. With the lapse of the Treaty of Amritsar, Hari Singh Dogra lost the independent possession of the territories of Jammu and Kashmir which his grand father Gulab Singh had, at the back of the people of Kashmir, acquired from the British Government in 1846. Mr. Nehru, had probably in mind this important factor, when on 10th June that year he wrote to Begum Abdullah - the wife of Sheikh Abdullah, "I have firm conviction that the will of the people will prevail in Kashmir."²²

For the implementation of the policy Plans of the British Government, Kashmir State was probably the one which needed immediate attention. Mountbatten personally paid a visit to Kashmir when the whole sub-continent was in the grip of tense atmosphere. At that time, it is obvious, any alien power without exception would take steps to save, as far as could be possible, its interests before leaving the country for good. Super powers too would normally fiddle with the matter. Interests of the Allies of the British Government had also to be looked after. Modus vivendi between the two dominions had to be determined from long range point of view, whereby neighbouring countries like U.S.S.R. and China could not expand in the southward direction. Many other matters in the global arena like economic and political positions of super powers particularly Allies of the British must have been pre-determined. In the process of restructuring, all these points must have been thoroughly weighed in the policy plans of the British Government on their withdrawal from India. The top political leaders of Indian National Congress and Muslim League, could not obviously be that mature at that stage as to measure precisely what the policy plans of the British and/or their allies would be after the British withdrawal. They were mostly eager to have freedom and gain access to the seats of power. Can any one say that they were mindful of the perspective planning of the sub-continent as a whole. They were unwittingly playing in the hands of the British Government and their associates. Their adventures of annexing Kashmir through conflicts, open hostility and other contemptible methods ultimately installed incessant damages on the economic, cultural and political atmosphere of the sub-continent as a whole.

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At this fateful event, Hindustan Times - an english daily of India, published an article on June 21, 1947, crying hoarse to the people and politicians of the country that they understand the bonafides of Hari Singh before anything could be expected from him in respect of accession. The Article stated: "that the ruler's (Hari Singh's) rights were based only on a sale deed and nothing more." To the Muslim community of Kashmir there were, however, no illusions. Hari Singh was a persona non-grata to them. They always questioned if that illegitimate ruler had any sovereign right to determine their future. Dr. Karan Singh, (Hari Singh's son) later wrote: "Mountbatten in fact had come to persuade my father to make up his mind well before 15 August (1947)." ²³ About this visit Mountbatten later said at a meeting of the East India Association in London, "I went up personally and saw the Maharaja. I spent four days with him in July; on every one of those four days I persisted with the same advice, 'Ascertain the wishes of your people by any means and join which ever your people wish to join by August 14, this year...' " ²⁴ When, however, Mountbatten advised Hari Singh that the right course for him was to join Pakistan, he replied, "I don't want to accede to Pakistan on any account." Well, Mountbatten said, "it's up to you, but I think you should consider it very carefully, since after all, almost 90% of your people are Moslem. But if you don't, then you must join India. In that case I will see that an infantry division is sent up there to preserve the integrity of your boundaries." 'No', replied the Maharaja, 'I don't wish to join India either. I wish to be independent'... 'I am sorry', he (Mountbatten) exploded, "You just can't be independent. You are a landlocked country. You are oversized and under populated... Your attitude is bound to lead to strife between India and Pakistan. You are going to have two rival countries at daggers drawn... You will be the cause of a tug-of-war between them. You will end up being a battle field. That is what will happen. You will lose your throne and your life too, if you are not careful." ²⁵ In October 1947, "Mountbatten told Campbell Johnson that he exerted all his influence on Maharaja that he should not accede to any dominion till he ascertained the wishes of his people through general consultation, elections and referendum; and if these courses were impracticable then through the representatives of the Public meetings" ²⁶

Besides, there being difference in these statements, it is curious to note that Mountbatten did not tell the same thing to the Muslim Princes of Travancore, Bhopal, Rampore, Nadur, Magrol, Junagarh and many other such princely States where Hindu population preponderated.

They were told that the logic of geography and population composition viz. preponderance of Hindu community in their States demanded their merger with India; and all possible means were adopted that they joined India. Another important point that comes to mind from Mountbatten's statements is that he also suggested to Maharaja that if he did not like to join Pakistan, he should join India; in which case Mountbatten would send him an Infantry Division for protection of his boundaries. Did Mountbatten take it for granted that people would agree to that unnatural accession? Did Mountbatten so early foresee that Gurdaspur and Batalla - the two Muslim populated districts of undivided Punjab, which intercepted the road link of Kashmir with India were to go to India against the principles of partition. Is that not a sufficient proof that appointment of the Boundary Commission or for that matter the appointment of the British subject Cyril Radcliffe as the chairman and arbitrator of the Commission was just a drama to justify that British Government had no intention to create trouble in the sub-continent, no responsibility for the bloodshed of millions of Indians and no interest in creating perpetual conflict between India and Pakistan. Boundary Commission on the Division of the Punjab started its work on 8th July 1947 when Radcliffe arrived from London and Mountbatten was wooing Maharaja Hari Singh to accede to India against the wishes of 80% population of Kashmir. How could Mr. Mountbatten assume that accession of Kashmir will hold without the logic of population composition, geography and communication link, unless he had the prior knowledge that Muslim populated district of Gurdaspur was to be allotted to India against the principles of Partition?

'The Hindu Maharaja of Kashmir', writes Stanley Wolpert, 'refused to join either dominions, fearing he would be dethroned by Jinnah for religious reasons, yet 'hating Nehru with a bitter hatred' because of his socialistic proclivities and democratic demands."²⁷ Thus Hari Singh Dogra's attitude and selfish approach provided ample opportunity for India and Pakistan to get involved in a perpetual strife. The battle field was needed in the first instance. That was soon made available under the Partition Plan of the Punjab by the British arbitrator Cyril Radcliffe, details whereof are given in the next chapter. Thus the way was paved whereby the foreign powers could capture the markets for military hardware and fiddle in the internal affairs of the two combatants at all vital levels in a more effective manner than before. Future developments proved that Kashmir Problem was a cardinal part of the unique plans for replacement of British rule in India.

Likely shape of the two dominions, however, emerged first on 20th June 1947, when Bengal Legislative Assembly voted for partition of that Province by a large majority. Three days later, the Punjab Assembly members followed suit. Sindh Province, however opted to join Pakistan by 33 to 20 vote of its Assembly. The peoples of North West Frontier Province and Sylhet district of Assam, both with Muslim majority, who were claimed to be ardent followers of Congress ideology and desirous of joining India, voted by large majority in favour of accession to Pakistan, when plebiscites were held over there under the provisions of June 3rd Plan. Nationalist Muslims of the country particularly those in North West Frontier and Sylhet fell in a quandary. In Kashmir at that juncture Muslim Conference started 'Civil Disobedience Movement' from Poonch District, which in due course of time grew in to a historical holocaust in Jammu and Kashmir.

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ON THE EVE OF INDEPENDENCE

As a follow up action in respect of the decisions of the Legislative assemblies of Bengal, the Punjab and Sindh, the British Government took another decisive step in the direction of implementing their Plans for Partition of India. "Jinnah was invited to the Viceroy's office ... to sit with Nehru and Patel as well as Liaquat and Baldev on a new 'Partition Council', which addressed itself to the creation of boundary commissions. Four high court judges, two chosen by Congress and two by the League were to sit on each commission for partitioning the Punjab and Bengal. Jinnah suggested Britain's distinguished barrister, Sir Cyril Radcliffe to chair those boundary commissions. Radcliffe ... was unanimously accepted."¹ Acceptance of a foreigner by Nehru and Jinnah as the Chairman of the Boundary Commissions must have, inter alia, emanated out of hatred and mistrust inter-se, which in turn finally resulted in sufferings and unprecedented calamity to the millions of innocent people in the sub-continent. Although "Nehru subsequently expressed grave misgivings about Radcliffe, because of his close conservative association, and he urged that the federal court serve instead as final arbitrator, but Jinnah was adamantly opposed."² Decision about the selection of Radcliffe had, however, already been taken with due consent of Mr. Nehru and arbitration by federal court would not be acceptable to Jinnah.

The judges of the Boundary Commissions of Bengal and the Punjab were supposed to deliberate and help delineate majority areas of Muslims and non-Muslims and submit their recommendations as to where the boundary lines would run, to the Chairman Sir Cyril Radcliffe; who would, while finalizing the boundary lines, "take in to account other factors."³ First point in this respect is that in a commission with two judges nominated by Congress and two by Muslim League, consensus of opinion on boundary lines would be impossible, for the two political parties were at logger-heads with each other all the time. Therefore all four judges of the commission would normally give divergent views to the Chairman. Where they disagreed, it devolved on the Chairman Mr. Radcliffe to arbitrate. In fact the decision emanated from Mr. Mountbatten himself. This sort of assessment conforms with the statement of Mr. Mehr Chand Mahajan, who represented Congress on this commission. He wrote: "I was not inclined to accept the invitation as it seemed to me then that this commission was a farce and decisions would be taken by the Viceroy himself. Eventually I was persuaded to accept ..." ⁴ Surprising is the fact that Indian leaders too did not insist on the British Govern-

ment or the Viceroy to spell out what these 'Other factors' would be, which the chairman Radcliffe was supposed to take in to account. That means Nehru and Jinnah asked for the trouble in the sub-continent and they had it. As a result millions of the people of the country suffered heavily and there remained a running sore in the sub-continent - the Kashmir Problem. "Radcliffe knew virtually nothing about India. He had never written about it, nor become involved in any of its complex legal problems. Indeed Radcliffe had never even set (his) foot on the sub-continent."⁵

Factors influencing strange decisions of Nehru and Jinnah on the eve of independence, that they demanded retention of Mountbatten at the helm of affairs in India after British withdrawal, could not be assessed. Was it an appeasement that they would get maximum share; was freedom a gratis to the people under servitude; was it the fear that Indians were not capable of handling the situation themselves at that crucial hour; no one could say. Mountbatten wrote on 4th July, "It will be remembered that I reported to the Cabinet Committee that Nehru had put in writing a request to me to remain on as the Governor General of India... Before I went to London, Jinnah said that although he thought two Governor Generals would be better than one, he asked me specifically to stay on as a Super Governor General over the other two."⁶ Mountbatten did not, however, get the approval of the British Cabinet to that sort of a proposal.

With the setting of the Boundary Commissions in Bengal and the Punjab and appointment of Radcliffe as their Chairman and Arbitrator, Congress leaders moved whole hog in the direction of wooing, coaxing, persuading by overt and covert methods the rulers and Princes of Indian States to join Bharat before 15th August 1947. Muslim League leaders followed suit, but they had far lesser chances of annexing princely States with Pakistan, because the peoples and princes of hundreds of Indian States, barring a few, belonged to Hindu community.

In respect of wooing Hari Singh, the illegitimate Hindu ruler of the Muslim State, Sardar Patel, had, it appears placed some Hindu gentlemen on the job. One was Rai-Bahadur Gopaldas, who had, by his influence and other means, gained access to Hari Singh. In his letter dated 3rd July 1947, Patel tried to assuage the ill feelings of Hari Singh against Pt. Nehru and Sheikh Abdullah, and wrote to him that he should join India, for eighty percent of Princes were on her side; as the Indian Constituent Assembly ensured complete satisfaction to

them including special rights, privileges etc. and there was no intention of Congress to interfere in to the domestic affairs of Hari Singh. Further Sardar Patel invited Hari Singh to Delhi for, what he called, frank and free discussion and wrote: "I have no doubt that your doubts and suspicions, of which I have heard from Gopaldas will completely disappear. In Free India you can not isolate yourself, and you must make friends with the leaders of Free India, who want to be friends with you."⁷ In this letter Patel addressed Hari Singh with full honours viz. 'Lt.Gen.His Highness, Raj-rajeshwar, Maharajadhiraj Sir Hari Singh, Maharaja of Jammu & Kashmir.'

Within a day of issuance of this letter Sardar Patel told the Indian Princes/Rulers in a statement on 5th July, "If you are prepared to come, you must come before 15 August, I have no doubt this is in the best interests of the State and every wise ruler and wise government would desire to link up with the great Dominion of India, on a basis, which leaves you great internal autonomy and which at the same time gets rid of your worries and cares your external Affairs, Defence and Communications."⁸ "The rulers of the princely States (therefore) all knew that by August 15 (1947), they had to accede to one or the other dominion; since British paramountcy and its protective umbrella would disappear from their lands on that day."⁹

On arrival in New Delhi on 8th July, Sir Cyril Radcliffe had asked for facilities and sufficient time to carry out the onerous task of finalizing the Partition Plans of the two provinces in, what he called, judicious manner. Whereas the facilities were immediately provided to him, he was asked by Mountbatten to complete his report by 15th August positively - a date only 38 days away. Judiciously apart accomplishment of such a huge task was technically inconceivable in such a short time. Radcliffe therefore sought opinion of Jinnah and Nehru in this behalf. Surprisingly they too insisted that it was necessary that the task must be completed by 15th August 1947. Therefore there can be no two opinions that India was divided at the instance of the top leaders of Congress and Muslim League in an awful haste, for the reasons better known to them. Besides many an error, the partition plans could be susceptible to grave mistakes and manipulations; when these had to be completed within 5 weeks time at the hands of an arbitrator who had not visited these provinces before and had very little knowledge of the area and the people. Immediately, however, the task was taken up by the Boundary Commissions and "separate committees went to work to partition

the army and other elements of the vast administrative machine that had kept British India running for some 90 years."¹⁰

With the British withdrawal in sight on 15 August, Kashmiri Hindus, in keeping with their behaviour, turned towards another rising sun - Bharat, and series of events recurred after one full century of illegitimate Dogra rule in Kashmir. There appeared one Rama Dhar on the political scene of Kashmir, playing a similar role as Birbal Dhar and Rajkak Dhar had played a century before at the transition period of the another alien rule in Kashmir. He was apparently not a person of any importance. As it appears from his letter to Patel, he was the Secretary All India Spinners Association. He had contacts and correspondence with persons like Nehru, Patel and Kriplani. His letter dated 14th July 1947 on the address of Sardar Patel (full text given below) indicates that a hectic activity was on, to annex Kashmir with Bharat, through Rai-Bahadur Gopaldas of Lahore, Rama Dhar of All India Spinners association and possibly through many other persons/agencies under the guidance of Nehru, Patel, Kriplani and other Congress leaders.

The letter of Ramadhar reads as follows:

14 July, 1947

C/O A.I.S.A.
Srinagar,

Respected Sardar Sahib,

I have written to Dada (Acharya J.B.Kriplani) and Panditji (Jawaharlal Nehru) about Kashmir affairs (and) copy of one of the letters sent to Dada was forwarded to you also.

I am enclosing herewith a document giving out in brief the general outline of the present position of developments here. The question of joining the Indian Union has not been taken up just now. He will join soon after the items contained in the enclosure have been carried out. It is obvious that I have written this at the instance of Gopaldasji. I have not added even an iota of my own. If anything, I have tried to say less.

I am arriving in Delhi on the 17th. I hope to see you also then. I shall explain things at length if you care for details.

With pranams,
Yours Sincerely,
Ramadhar.

Enclosure of Ramadhar's letter reads as under:

The Maharaja has given his word for the following:

- (1) General amnesty to be proclaimed within a week or ten day's time.
- (2) Kak to go as soon as possible. The task of finding out his substitute has devolved upon Gopaldasji. He hopes to get the new person within a fortnight.

Now two things are expected from the other side. The weekly agitation should remain suspended and that Gandhiji should visit Kashmir only after the general amnesty has been proclaimed and not before that. The Maharaja is apprehensive of trouble if Bapu visits Kashmir during Kak's presence in the ministerial gaddi.

Ramadhar¹¹

This letter reveals the fact that Mr. Ramadhar was furnishing information to Nehru, Patel and Kriplani about Kashmir affairs at this critical hour. Enclosure of Ramadhar's letter, as is evident, pertains to (a) Release of Abdullah and his party workers from jails, and (b) Ouster of Mr. Ramchand Kak, the then Prime Minister of the fake ruler Hari Singh, and finding out his substitute, who could remain in the leading strings of Delhi. Patel in his letter dated 3rd July had desired Mr. Kak to release Abdullah. Mr. Kak had, in his reply letter dated 15th July said that the matter was complicated one and he would discuss with him in Delhi.

Whereas Ramadhar's activity constituted his fifth columnist role for Congress in Kashmir, the points raised by him in his enclosure are a flagrant violation of (a) Patel's assurance, which he had given to Maharaja Hari Singh in his letter of 3rd July that Congress would not interfere in his domestic affairs, and (b) Patel's statement of 5th July that the relationship of the Princes/rulers of the States with India would have a basis which would leave them with great autonomy.

Some might argue that democracy warranted general amnesty at that juncture. It is contended that Congress leaders outwardly pleaded for general amnesty, but they actually meant and tried for the release of Abdullah and his party workers only, and not the release of the leaders and workers of Muslim Conference, who had been jailed by Hari Singh's Government for pursuing liberation movement and supporting Pakistan ideology. Apart from that, however, was there any justification for Mr. Patel or his henchmen

Gopaldas or Ramadhar to take up the issue of removal of Mr. Kak from his premiership and find his substitute, unless they had some other motives behind? Most probably Mr. Kak hesitated to release Abdullah and did not act strictly in the interests of Congress leaders in Kashmir, that his replacement was asked for.

While in India, the contest for winning over the princes and rulers of Indian States was in full swing, and Radcliffe had just started his work only a week before; in London the British Government gave the finishing touches to the Indian Independence Bill. On 15th July 1947, "Sir Stafford Cripps opened the final debate of the 'Indian Independence Bill' in the House of Commons. Mr. Attlee concluded the debate that passed his historic measure (Indian Independence Act 1947), thus setting up two 'Independent Dominions' of India and Pakistan on August 15, 1947. On Friday, July 18, King George VI added his talismanic seal of assent to the new Act."¹²

Section 7 of Indian Independence Act 1947 pertaining to the lapse of paramountcy and abrogation of treaties is relevant to the subject under study and is, therefore, reproduced ut-infra:

7(1) As from the appointed day:-

(a) His Majesty's Government in the United Kingdom have no responsibility as respects the Government of any of the territories which immediately before that day were included in British India;

(b) the suzerainty of His Majesty over the Indian States lapses, and with it all treaties and agreements in force at the date of passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian states, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States, by treaty, grant, usage, sufferance or otherwise; and

(c) there lapse also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date to any such persons or with respect to the tribal areas, and all powers, rights, authority or jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance

or otherwise;

Provided that notwithstanding anything in paragraph (b) or paragraph (c) of this sub-section, effect shall, as nearly as may be, continue to be given to the provisions of any such agreement as is therein referred to, which relate to customs, transit and communications, posts and telegraphs, or other like matters, until the provisions in question are denounced by the Ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand, or are superseded by subsequent agreements."13

By virtue of this Act, therefore (i) Treaties and Agreements, which the British Government had made with princes, rulers and persons of various shades lapsed. In the case of Jammu and Kashmir, the Treaty of Amritsar and the sixty years lease deed of Gilgit, if any, lapsed; and (ii) All obligations of His Majesty towards Indian States or the rulers thereof lapsed, which in the case of Treaty of Amritsar meant that the British Government were not bound to repay the amount of Rupees 75 lakhs to Gulab Singh's grandson Hari Singh and would no longer protect the territory exchanged in lieu thereof and the Dogra family.

Further it may be noted that Indian Independence Act did not confer any right of sovereignty or suzerainty on any prince, ruler or person, when it stated under Clause 7(1-b), "the suzerainty of His Majesty over the Indian States lapses." It was therefore imperative for the Viceroy to tell the princes and rulers of Indian States, that it was in their interest to accede to either Dominion before 15 August 1947 - the appointed day under the Indian Independence Act.

Muslim Conference party in Kashmir, as already stated, had taken large number of seats which were contested in the so-called Legislative Assembly of the State, under the so-called limited democracy system introduced by Hari Singh for achieving his own ends. With the passage of some months, elected members of that Assembly sensed that the fake ruler and his Government were least interested to summon the first session of the Assembly either because large number of elected members were Muslim or that the situation in the State was fast assuming alarming proportions. In spite of strong protests and demonstrations of the people, Hari Singh's attitude towards Muslims of the State remained unchanged. Top leaders of Muslim Conference, who had been placed under detention in October 1946 continued to remain behind the

bars without trial.

On passing of the Indian Independence Act on 18th July 1947, the Muslim Conference took a firm stand on future status of the Kashmir State and left no alternative choice for Hari Singh and his Government to take any action against the wishes of the Muslim majority of the State. In its convention held in Srinagar on 19th July 1947, the general Council of the Muslim Conference, resolved as follows:

"This Convention of Muslim Conference has, after a long deliberation arrived at this conclusion that on the basis of the geographical, economic, linguistic, cultural and religious considerations, the accession of the State (of Jammu and Kashmir) to Pakistan was indispensable, because 80% of State's population were Muslim and all the major rivers of Pakistan flowing through the Punjab had their origin in Kashmir and the people of the State were strongly linked with Pakistan by dint of their religion, culture and economics. Therefore, it was imperative that accession of the State be accomplished with Pakistan." The Council further cautioned Hari Singh and his Government and resolved that "if the State Government did not accept its demands and did not act on this advice of Muslim Conference under any internal (Hindu) or external pressure and joined the State with the Constituent Assembly of India; then in that case the people of Kashmir shall rise against the Government's decision and shall continue their struggle for freedom with full fervour." This resolution of Muslim Conference party, which claimed to be the sole representative body of the majority community of Muslims of the State, came well nigh before the actual creation of Pakistan.

Immediately after the Independence Act of 1947 was passed, the Viceroy of India Mr. Mountbatten addressed to a special full meeting of Princes, on 25th July, and discussed with them the degree of independence that they would enjoy if they acceded their Defence, External affairs and Communications to appropriate Dominion. For this purpose he had circulated a Draft Instrument of Accession. This instrument, he said, contained "explicit provision that in no other matter had the Central Government any authority to encroach on the internal autonomy or the sovereignty of the States."¹⁴ On 27th July, Gandhi immediately pointed out that there was a 'lacuna' in the Viceroy's speech that 'there was no mention of the people of the States,' and advised the Princes to make their choice with due regard to 'their geographical position and the compulsion of that position.'¹⁵ By 31 July, (however) drafts of the Instru-

ments of Accession and Standstill Agreement had been finalized between the Princes and Government of India. There were three different Instruments of Accession - one for the 140 fully empowered States, another for the 300 and odd estates and taluks of western India and yet another for the 70 'Intermediate' category of rulers. The standstill agreement was common in all the three cases,"¹⁶

The drama of blandishments and other methodology played by Mountbatten and Congress leaders in effecting the accession of various princes was novel and traumatic indeed. Perhaps in the hot haste it was bound to be that way. Only 14 days were left. Time would run out on 15th August, when Paramountcy was to lapse along with the treaty rights of princes of Indian States. The fate of States would no longer remain in the hands of Princes and other rulers after the appointed date - 15th August 1947. It would revert to the people. Where the princes/rulers would be disagreed by the people, changes would take place. Where, however, the ruler showed resistance to bow down before the people's will, naturally the people were bound to react, for they were no longer his subjects, particularly after 15 August that year. After 15 August, 'State' would mean a democratic State, for the people of the Indian sub-continent as a whole were to be freed on that day and not to be enslaved again. That is why Mountbatten had warned the Princes of Indian States one month before, "You are about to face a revolution... In a very brief moment you will lose for ever your sovereignty."¹⁷ After 15 August Sovereignty would vest in bonafide States, i.e. in organised political communities with governments recognised by the People. Princes could not continue suo-moto. They stood deposed.

Many States would, there was a possibility, like to remain independent or form small federations with adjoining States, if after 15 August they were given time to settle, choose their own heads of States and responsible governments. Where, however, the degree of benevolence and patronage for the people in the existing rulers was of par-excellence, they would enjoy the confidence of their people and get elected by democratic means as heads of their States. They would then be in a position to determine the fate of their States in a manner the people wished.

Wooring and coaxing process of Princes and other Rulers of Indian States, however, got going in hot haste. "As early as 2 June, Gandhi had said that he was to go to Kashmir to help resolve the political deadlock there. More specific was Gandhi's speech before undertaking the

journey made on 29 July in New Delhi. He was going to fulfill a promise made to Pandit Jawaharlal Nehru."¹⁸ Also, "before leaving for Srinagar a meeting was held by Mountbatten, Jawahar Lal and Sardar Patel in Birla House, where Gandhi stayed."¹⁹ Yet "the apostle of truth" announced before departure from Delhi that the tour was absolutely non-political and undertaken simply as a formality to redeem a thirty year old promise made to late Maharaja Pratap Singh at the Kumbh Mela in 1919."²⁰ On 31 July, however, Gandhi left Delhi for Kashmir and reached Srinagar on 1st August 1947. "On his way to Srinagar, the Mahatma's car was stoned near Baramulla and Sangrama. Again in Srinagar, while going to meet Begum Abdullah, he witnessed similar incidents. Of course all these facts were never allowed to be published in the Congress press. During the brief stay in Kashmir he met the Maharaja, Kak, prominent Hindus and Nationalist leaders."²¹ He was invited by National Conference Party to address a public meeting at its headquarter, Mujahid Manzil in Srinagar. A gathering of a few thousand people from different walks of life had gathered there to know what Gandhi had to say about the future of Kashmir. Author also happened to be there in that gathering. Gandhi appeared at the dias in white Dhoti - a waist piece passing between legs and fastened behind - and offered 'Namaskar' with folded hands. He then remained standing tight lipped for about five minutes. People shouted at him to speak, but he did not utter a word. Instead he left the dias so hurriedly as if he felt insecure in that small gathering or that there was some other reason for his instantaneous departure. Most of the people, the author heard saying that Gandhi was cunningly hiding his inner motive that he had come to Kashmir to coax Hari Singh in favour of India.

"On his way back on 3rd August Gandhi held a prayer meeting in Jammu, where he told a delegation of local people that it were the people alone who had the right to decide the future of Kashmir."²² On the same day, Muslim Conference presented a memorandum to the Prime Minister of Hari Singh's Government asking him to declare accession of the State to Pakistan, send representatives to Pakistan Constituent Assembly and release Chaudri Ghulam Abbas and other top leaders of Muslim Conference forthwith.

Immediately on reaching back in Delhi, Mr. Gandhi, inter alia, wrote to Pt. Nehru, "I told the Prime Minister (Kak) of the State as to how much he was disliked by the people. He (Kak) has written to Maharaja that he will resign at his instance. When I met Maharaja, the successor (of Kak) was sitting there by the side of

Maharani."²³ "Both (the Maharaja and the Maharani) admitted that with the lapse of British paramountcy, the true paramountcy of the people will commence. However much they might wish to join the union, they would have to make the choice in accordance with the wishes of the people. How that could be determined was not discussed at that interview."²⁴

Gandhiji's visit to Kashmir at that crucial event must have either tacitly emanated or closely fitted with the plan and policy of the British Government to divide the sub-continent, physically, psychologically, economically and militarily and leave it strife torn in perpetuation. Mountbatten, in fact, made arrangements for Gandhi's visit to Kashmir, but when Jinnah desired to visit Kashmir, it was Mountbatten who persuaded him to drop the plan of his visit or even the idea of deputing any other Muslim League leader to Kashmir. That fact amply proves that British Government and possibly her allies too had a hand in the trouble that was created in Kashmir. Contrary to his lofty claims that peoples verdict shall prevail in deciding the fate of Kashmir, Gandhi's aim and that of other Congress leaders was to own the Hindu Prince somehow or the other, lest the Muslim majority of the State tilt the balance in favour of Pakistan.

Ramchand Kak, the then Prime Minister of Hari Singh's Government, on the other hand, came in the way of implementation of plans of Congress leaders to annex Kashmir with India. He opposed Sheikh Abdullah's release from Jail for he was sentenced to three years imprisonment. He did not, however, like the Muslim Conference leaders even. A Kashmiri Hindu would always like to remain at the helm of affairs and never part away with the civil administration, nor permit a Muslim to join army. During Kak's premiership, all the top leaders of Muslim Conference remained behind the bars without trial.

Hari Singh, however, yielded to Gandhi's desires to the extent that he removed Ramchand Kak from premiership on 11 August 1947 but appointed General Janak Singh, his own maternal uncle, as his Prime Minister. This development took place on the eve of Princes losing their right to rule and, in Gandhi's words, on commencement of People's paramountcy in Indian States. By his visit to Kashmir Mr. Gandhi, however, unwittingly opened a new chapter, fraught with hatred, distrust and incessant conflict inter-se in the India Pakistan relations and contributed large dimensions to the Kashmir Problem; despite the fact that he had told Mr. Ramchand Kak, "I have not come to bring about quarrel between India and Pakistan"²⁵

Modus operandi of the integration of princely states with Indian Dominion was indeed novel and fantastic. "For some of the rulers appending their signature to the Instrument of accession was a cruel tragedy. 'One Raja of Central India collapsed and died of a heart attack seconds after signing'... 'The Gaekwar of Baroda ... collapsed weeping like a child in the arms of V.P.Menon on signing'... 'The eight maharajas of the Punjab signed their Instrument together during a formal ceremony in the State banquet hall of Patiala'... 'This time one participant recalled, the atmosphere was so lugubrious, we may have been at a cremation.'"²⁶

As 15 August 1947 - the last day of suzerainty and paramountcy of the British Government and so-called sovereignty of the Indian princes, drew near, Congress party held demonstrations and street agitations in such states, where the rulers were reluctant to accede to Indian Dominion. "The Maharaja of Orissa was trapped in his palace by a mob which refused to let him leave until he had signed. Travancore's forceful Prime Minister was stabbed in the face by a Congress demonstrator. Shaken the Maharaja cabled Delhi his accession."²⁷

Maharaja of Jaisalmer and young Prince of Jodhpur offered their Hindu States to Mr. Jinnah in a secret meeting in Delhi. Mr. Jinnah told the young Prince of Jodhpur, "Just write your conditions on this paper, and I will sign it."²⁸ It, however, proved a vain attempt on his part; for, when they returned to their hotel to ponder over the conditions they found V.P.Menon waiting over there. He told the Prince of Jodhpur that the Viceroy wanted to see him urgently. At Viceroy's house, Mountbatten told him, "It was folly to try to take the subjects of his Hindu State in to Pakistan for purely selfish reasons."²⁹ Here it may be recalled that the same Mountbatten had offered in July that year to Hari Singh an infantry division for preserving the integrity of his boundaries if he joined India, which in turn meant that if he took the subjects of Muslim State of Kashmir in to India. After coaxing the Prince of Jodhpur, however, Mountbatten left Menon there to get his signature on a provisional agreement. "When he (Viceroy) had gone, (the Prince of) Jodhpur pulled a fountain pen made in his workshop out of his pocket. After signing the text, he unscrewed its cap and revealed a miniature .22 pistol which he pointed at Menon's head. 'I am not giving in to your threats! he shouted. Mountbatten, hearing the noise, returned and confiscated the pistol. Three days later Menon delivered a final Instrument of accession to the prince's palace. Glumly the prince signed."³⁰ Udaipur and Gwalior tried to form small federation with a number of small states around.

They could not achieve their ambition. Maharaja of Travancore clamoured for independence. Nay! he did not succeed. Bhopal opposed till last day and finally gave in by 15 August. "This policy of coercion by political, moral and economic methods was utilized in case of ... Travancore, Indore, Bhopal and Rampur."³¹

"Government of India had sent the draft Instrument of Accession to the Nawab (of Junagadh) for signature ... The States Department (Govt. of India) asked on 12 August 1947 for an immediate reply to which Bhutto's answer was that the matter was still under consideration."³² On 15 August, however, Govt. of Junagadh announced their decision to accede to Pakistan. The communique said: "The Government of Junagadh has during the past few weeks been faced with the problem of making its choice between accession to the Dominion of India and accession to the Dominion of Pakistan. It has had to take in to very careful consideration every aspect of this problem. Its main pre-occupation has been to adopt a course that would, in the long run, make the largest contribution towards the permanent welfare and prosperity of the people of Junagadh and help to preserve the integrity of the State and to safeguard its independence and autonomy over the largest possible field. After anxious consideration and the careful balancing of all factors, the Government of the State has decided to accede to Pakistan and hereby announces its decision to that effect. The State is confident that its decision will be welcomed by all loyal subjects of the State, who have its real welfare and prosperity at heart."³³

This sort of a decision on the part of the State of Junagadh was well in time (i.e. on 15 August 1947-the last day for accession of States) and therefore legally valid. But it went against geographical contiguity of its borders and all logic of the division of the country. Preponderance of Hindu population of this tiny State suggested its accession to India. Therefore the Govt. of India reacted sharply. Soon on 21st August, V.P. Menon said that he "was instructed to address a letter to the High Commissioner of Pakistan in India pointing out the considerations of Junagadh's geographical contiguity, the composition of its population and need for consulting the views of the people with regard to accession."³⁴ Government of India, therefore, opposed this accession and adopted various means to undo that decision.

There were more than 565 princely States in undivided India. Some have reported the number as 584. Probably this number included small feudal lords too. Among these States, Kashmir, Hyderabad, Mysore, Travancore, Bhopal

and a few more states were large enough in size and/or resources, to create a desire and confidence in the minds of their princes to stand on their own. An insignificant number of six princes and a few more feudal lords joined Pakistan. The accession of one tiny State - Junagadh, however, remained disputed with India. States like Hyderabad and Kashmir, did not join either Dominion, till the last appointed day viz. 15 August 1947 fixed for accession expired. This date was insisted upon repeatedly by Mountbatten because with the lapse of Paramountcy and Treaty rights, the princes of States lost all rights to rule the territories they had acquired under the treaties with the British Government. Virtually the Nawab of Hyderabad, if he had any treaty of territories with the British, and Maharaja of Kashmir, who had the treaty of territory with British stood, deposed on 15 August 1947. Thereafter they needed the people's consent if they were to continue as heads of these States. Barring these few princely States, however, all other states big and small numbering over 550 willy-nilly gave their consent to the accession in favour of India. The reason for so less a number of States having acceded to Pakistan could be attributed to (a) Pakistan was in embryo, and had no wherewithal to woo or coax the princes on a comprehensive scale. (b) Mountbatten, in the capacity of the Viceroy of India should have normally remained neutral in the case of accessions of princely states. Instead he exerted all his pressure on most of the princes to join Indian Dominion, and (c) Religious compatibility factor of the peoples and princes played a dominant role in accessions and annexations of the princely states with the two dominions. Most of the states had majority of Hindu population and their rulers belonged to Hindu community.

In respect of Kashmir State there was yet another development. Three days before 15 August, Hari Singh's Government had sent identical telegrams to the provisional governments of dominions of India and Pakistan expressing the desire to conclude stand still agreements with them. The telegrams read as:

"Jammu and Kashmir Government would welcome Stand Still Agreements with India/Pakistan on all matters on which these exist at present moment with outgoing British Indian Government. It is suggested that existing arrangements should continue pending settlement of details and formal execution of fresh agreement"³⁵ "Maharaja sought from both the Dominions the stand still agreement to come in to force on 15 August 1947."³⁶ Accepting the offer, the Foreign Secretary Govt. of Pakistan, Karachi replied on 15 August 1947. :

"Your telegram of the 12th. The Govt. of Pakistan agree to have stand still Agreement of Jammu and Kashmir for the continuance of the existing arrangements pending settlement of details and formal execution of fresh agreements."37

"Government of India telegraphically replied on the same date to the Prime Minister of J&K that 'the Govt. of India would be glad if you or some other Minister duly authorized in this behalf could fly Delhi for negotiating stand still agreement between Kashmir Government and Indian Dominion. Early action desirable to maintain in tact existing agreements and administrative arrangements.'"38

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FREEDOM WITH HISTORICAL HOLOCAUST

Radcliffe Award on partition of Bengal and the Punjab was eagerly awaited by the people of these two provinces in the second week of August 1947. When the last meeting of the Boundary Commissions was held, Radcliffe told the members of the Commissions: "Gentlemen, you have disagreed and therefore the duty falls on me to give the award, which I will do later on."¹ As anticipated, the Boundary Commissions were an eye wash. It was only to justify that the local judges of the Commissions selected by Congress and Muslim League had been heard by the foreign arbitrator. Policy decisions of the British must have prevailed at that crucial event, for both the arbitrator and the Viceroy were British. On the morning of 13th August, however, "Radcliffe i.c.s. aide delivered his report to Viceroy's house in two sealed brown manilla envelopes ... On Mountbatten's orders they were locked inside one of his own green leather Viceregal despatch boxes."²

Pending declaration of Radcliffe award, Mountbatten had partitioned Bengal and the Punjab provisionally. Gurdaspur district of Punjab, heavily populated by Muslims, notionally fell in West Punjab of Pakistan. Gurdaspur district was so located that it separated and de-linked Kashmir from India, which obviously meant that Kashmir could at any time fall in the lap of Pakistan. With that vain hope, in fact Jinnah declared Kashmir as a cheque in his pocket. In that illusion he inaugurated Pakistan Constituent Assembly on 14th August 1947 and declared: "We are starting the State with no discrimination, no distinction between one community and another, between cast or creed. We are starting with the fundamental principle that we are all citizens and equal citizens of one State. We shall keep that in front of us our ideal."³ Further he said, "On both sides, in Hindustan and Pakistan there are sections of people who may not agree with it (Division of the country) ...but in my judgement there was no other solution and I am sure future history will record its verdict in favour of it... Any idea of United India could never have worked and in my judgement it would have led us to terrific disaster ..."⁴ At this given point of time this sort of statement of Jinnah was, obviously, based on the shape and size of Pakistan provisionally decided by the Viceroy of India. He had it appears faith in British Viceroy and Radcliffe that the provisional partition of the Punjab in particular, in which Gurdaspur fell in Pakistan, would stand. Had Jinnah waited till Radcliffe award was made public, he would not have so strongly asserted that there was no solution other than the Division of the country. On 14

August Nehru also addressed to the Indian Constituent assembly and, inter alia, declared, "Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge... At the stroke of midnight hour, while the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when the age ends, and when the soul of a nation, long suppressed finds utterance ..."⁵

On 16th August, however, when the inaugurations of independence of the two provisional Dominions had ended; when the celebrations were in full swing with preponderating communities in various parts of the country; when minorities were unnerved, embarrassed, confused, perplexed and bewildered as to what would happen to them; Jawaharlal Nehru and Liaquat Ali Khan met Mountbatten to receive Radcliffe Awards. Mountbatten opened his viceregal despatch box and picked up two manilla envelopes; passed them over to Liaquat and Nehru and requested them to study the same in two hours time. These envelopes contained a brief report and maps on the Division of the Punjab and Bengal. These awards were not the doings of what some english author has called the scalpel of Radcliffe. These were indeed the doings of master oppressors of the ages, who could with the strokes of their pens, tactics and dexterous methods produce an explosion more powerful and lasting than what could be produced by the atom bomb dropped of Hiroshima in Japan by the U.S.A. in World War II. Before this report and maps were revealed to Indian leaders by Mountbatten, "rumour had (already) reached Liaquat as well as Jinnah that the strategic Muslim-majority Gurdaspur district of Punjab, affording the only all-weather road access to Kashmir, was going to be awarded to East punjab (India) by Radcliffe. Liaquat warned Ismay that such a 'political' decision would be viewed by Muslims as 'so grave a breach of faith' as to imperil future friendly relations between Pakistan and the British."⁶

As Liaquat and Nehru emerged for the joint meeting with Mountbatten they were both furious and enraged. They both protested for there were some areas of dispute. Serious among them was allocation of Gurdaspur to India against the accepted principle of population composition. Provisional delineations indicated early by Mountbatten had been changed there. The people of Gurdaspur who had celebrated the independence day as the citizens of Pakistan were shocked. Besides the potential of immediate blast, the Radcliffe Awards contained, inter alia, germs capable of developing in to a long drawn hatred and confrontation for the peoples of India and Pakistan; and

a dismay and uncertainty to the peoples of the areas in dispute. Over a period of time germination of hatred was unwittingly emboldened by the imbecile and immaculate leaders of the two countries. Mature leadership and high sacrifices of the leaders of India and Pakistan could, at that fateful event, certainly avert disaster to a considerable extent in the sub-continent. They could make adjustments and amends themselves in the Radcliffe Awards and nip the evil in the bud. Areas of dispute where there was disagreement could even be left undecided for some time and parleys at appropriate levels could be set forth. But probably they were entrapped in such a bad situation where they could neither take initiative nor help bring the two countries out of impasse. Religious hatred, incessant communal rites in various parts of the country including the Punjab and Bengal, the results of plebiscites in North West Frontier Province and Sylhet, religious incompatibilities of Princes and majority communities in Hyderabad, Junagadh, Kapurthalla and Kashmir, and above all the vested interests of foreign elements and leaders of India and Pakistan were some major contributing factors, which prevented reconciliation at that crucial event. The impugned Award of the partition of the Punjab, in particular, was probably so ignoble or condemnable that even Mountbatten tried to disown the responsibility and insisted in the joint meeting with Liaquat and Nehru "that he had 'resolutely' kept himself 'out of the whole business' of the boundary commissions."⁷ That could be hardly believed in the context of his role in the accession process of princely States.

The representatives of the Congress on the Boundary Commission, Justice Mehr Chand Mahajan, probably inadvertently or unwittingly pushed the Indian nation to make a leap in the dark at the very inception of independence. Mahajan wrote: "I held the view that the natural boundary between India and Pakistan was along the river Ravi and I suggested its adoption. Lord Radcliffe's Secretary asked me whether I would be willing to treat the town of Qadian as neutral territory if the town of Nankana was similarly treated. I had personally no objection to this course. It was not, however acceptable to some of my colleagues... I had some hope ... that Lahore might remain in India. But while we were discussing the award at the hotel, Lord Radcliffe had once exclaimed, 'How can you have both Calcutta and Lahore? What can I give to Pakistan?' I protested against this non-judicial observation."⁸

It would be astonishing if Justice Mahajan meant that Ravi alignment be followed all through, for in that case,

most of the predominantly Muslim areas on east bank of Ravi downstream would fall in to India against the accepted principle of Partition viz. 'Religious affinity of the people'. Neither in the case of partition of Bengal nor downstream of river Ravi in the Punjab, was the principle of any natural boundary been introduced. Boundary line arbitrated by Radcliffe actually crossed Ravi near Wagah downstream and enveloped Muslim populated areas as deep as up to Sutlej river. Boundary line between India and East Pakistan (Bangla Desh) ran much against the natural boundary lines of rivers, waterways and/or mountains. On that side, the natural boundary line of any river was, probably, not of any serious concern to Congress leaders, because on that side, the corridor giving access to Assam and Tripura had comparatively lesser complications of the principle of population composition. "Corridor leading to Assam provided India an uninterrupted contiguity with the northern boundaries of Nepal and gave her access to the Himalayan states of Sikkim and Bhutan bordering on China."⁹

It were the Muslim populated territories on left bank of Ravi river covering Gurdaspur, Ferozepur and the areas up to the boundary of Amritsar where the cardinal principle of partition viz. 'composition of population in contiguous regions,' was violated with the principal objectives of giving India access to Kashmir and borders of Ladakh, creating a perpetual conflict between India and Pakistan and capturing the markets of the sub-continent. Forcing the principle of natural boundary in a small stretch of river Ravi alone and adoption of the accepted principle of religious affinity in the remaining parts of the Punjab, Bengal and rest of the country implied that this particular area contained a potential capable of flaring up all sorts of problems between the two dominions. Kashmir was thus involved in the international jugglery.

Sikh community, had opted to remain with India. It was a natural phenomenon that some small Sikh settlements and Sikh Shrines which were interspersed in majority Muslim areas would fall in Pakistan. Various factors might have agitated this minority community at that event. These could, inter alia, be (a) Injury to their religious sentiments, because Nankana Sahib shrine, the birth place of the founder of Sikhism fell in Pakistan. (b) Fear that their life and property would be unsafe in Pakistan, and (c) Wild rumours which were spread by interested agencies in both parts of Punjab.

Till the declaration of the independence by India and Pakistan on 15 August 1947 the people of Kashmir State hoped that they too would enjoy freedom after 128 years

of incessant slavery and suppression. They thought that Hari Singh Dogra might agree to the compulsions of geographical contiguity and composition of population of the State and accede to Pakistan. With the announcement of Radcliffe award a different picture emerged. Kashmir became more susceptible than before to the pulls of rival dominions of India and Pakistan and was, therefore, due to suffer heavily in consequence. In some areas of Kashmir, in fact, people had celebrated Pakistan Independence Day on 14 August, when Pakistan flags were seen hoisted on roof tops, streets and Post and Telegraph buildings. Unexpected decision of Gurdaspur's annexation with India created uncertainty in Kashmir and gave impetus to Muslim Conference to start organising armed conflict against the legally deposed Hindu ruler Hari Singh if he showed any signs of imposing himself on Muslim majority of Kashmir or attempted confrontation with Pakistan or showed any leanings towards joining with India.

All the independence day celebrations abruptly ended in Pakistan with grief and sorrow as the final shape and size of that country came in to being with the announcement of Radcliffe Award. A holocaust unique and unprecedented in behaviour, magnitude and pattern ensued simultaneously, which was more severe than any war or epidemic of the past. Its outburst was so instantaneous that the two newly sworn first Prime Ministers of Pakistan and India (Liaquat and Nehru) and the defence Minister of India Sardar Baldev Singh rushed on the morning of 17th August to Punjab on their first official task to control the upheaval over there.

Mr. Nehru wrote: "I am not going to narrate the story, nor I am going to apportion blame. There has been sufficient murder and arson and crime of all descriptions in many parts of the Punjab... Mr. Liaquat Ali Khan, Baldev Singh and I went to Ambala first and held a conference there with Ministers of East and West Punjab and various civil and military officers. We met also the leaders of various communities, notably the Akali Sikh leaders, Master Tara Singh and Giani Kartar Singh. We went then to Lahore and had a first-hand account of occurrences there and then to Amritsar... We were all unanimously of opinion that we must deal firmly with the situation as we found it and not enter in to acrimonious debate about the past; and that the situation demanded that crime must be put to an end immediately at whatever cost."¹⁰ Nay, their efforts bore no fruits. Hindus, Sikhs and Muslims in the Punjab had all run amuck. A mania for murder of innocent men, women and children had swept across the Punjab. "In and around Amritsar, bands of armed Sikhs killed every Muslim

they could find, while in and around Lahore, Muslim gangs ... sharpened their knives and emptied their guns at Hindus and Sikhs. Entire train loads of refugees were gutted and turned in to rolling coffins, funeral pyres on wheels, food for bloated vultures who darkened the skies over the Punjab."¹¹

Muslims of Gurdaspur bore the brunt of the disaster. They were wiped out by Hindus and Sikhs. Princely States of Kapurthalla, Patiala, Nabha and Jindh lay contiguous to the boundaries of the East Punjab. They were ruled by Hindu/Sikh rulers. These rulers simply utilized contingents of their armed forces in clearing Muslims from their States. Zafferullah Khan, the then Foreign Minister of Pakistan, who led a delegation of his country later at the United Nations declared that, "Kapurthalla had a majority of Muslims - but the Maharaja of Kapurthalla got rid of all of them. That is how the question (of accession of that State to India) was resolved."¹² The nationalist Muslim Sheikh Abdullah- a close associate of Mr. Nehru, later wrote, "In the Muslim majority State of the Punjab - Kapurthalla, not a single Muslim was found now. Muslims of Alwar, Bharatpur etc. States have met the same fate..."¹³

In World War II two atom bombs were dropped by the United States on Hiroshima and Nagasaki on 6th and 9th August in 1945. Human losses of Japan in that war including the casualties caused by the atom bombardment were of the order of 806,000. To quote examples of human losses of winning powers (excluding U.S.S.R.) like Britain, France and U.S.A. put together, they suffered about a million casualties over a period of 5 years and 8 months (1st September 1939 to 30th April 1945) long war. Country wise breakup of human losses of these three big countries in World War II is given as under:-

Britain	445,000
France	380,000
U.S.A.	325,000

Total¹⁴ 1,150,000

Larry Collins says that "Cyril Radcliffe's ... line had left 5 million Sikhs and Hindus in Pakistan half of the Punjab, over 5 million Muslims in India's half (dead)."¹⁵ Mehr Chand Mahajan, in his book, 'Looking Back' observed that about two million people got killed and about 4 million people migrated from one side to the other.

- It is important to notice that this huge human loss of millions took place in a short period of only six weeks

of August and September 1947. What an unprecedented historical holocaust at the hands of a British Arbitrator and leaders of Indian sub-continent it should have been! When compared with human sufferings of World War II quoted ut-supra and the period of time - six weeks, against 5 years and eight months, the magnitude of disaster can be imagined. Noteworthy is the point that not a drop of British blood fell in this upheaval. Mr. Jinnah, who was believed to be hard hearted, tough and adamant leader in the sub-continent, was shaken and disturbed on such a chaotic situation of human madness and misery, caused, inter alia, due to lack of that comprehensive knowledge in the leaders of the country, which was required to foresee and encompass precisely the consequences of Partition and dependence on an alien arbitrator in matters of national importance. Mir Laik Ali later wrote: "Never in my life had I seen Mr. Jinnah emotional except on that day. He asked me if I had seen the refugees as I drove from the airport ... I had of course. Tears rolled down his cheeks several times as he spoke of the mass human misery ..."16

Situation in Bengal, however, was somewhat manageable. On that side too there were deviations of the accepted principles of partition but not of that magnitude, severity and importance as were in the case of the Punjab. Before the Independence day, the Indian Leader Mr. Gandhi had trekked off to Noakhali in East Bengal (East Pakistan/Bangladesh) on a mission to avert the holocaust of communal strife in Bengal, which task seemed to him more pressing than celebrating the Independence day in New Delhi on 15 August. Communal trouble had erupted in North Calcutta a year back on 16 August 1946. Calcutta city had then turned in to a battle field. The riots had spread to Noakhali too. Casualties had risen to thousands. "Appreciably more Muslims than Hindus were killed."17 Muslims of Calcutta had suffered most. Over a period of one full year (August 1946 to August 1947) communal hatred had, inter alia, set in a wave of migration of the two communities in opposite directions. Many affected Muslims of Calcutta city had fled to neighbouring districts of Noakhali and other adjoining areas. On the eve of partition of Bengal, still sizeable Hindu population had remained on the other side in East Pakistan, whose life and property was in danger. Radcliffe's award for the partition of Bengal was, mutatis mutandis, on the lines of established norms of partition. Areas with preponderant communities of Hindus and Muslims were duly isolated from each other regardless of natural barriers of rivers and/or mountains. No such serious example as that of Gurdaspur was reported there. Where contiguity was not possible enclaves were formed.

Noakhali, however, was a place where probably retaliation of the Calcutta riots was eminent. The holocaust, if any, would first spark off from there. Gandhiji, obviously would not like it to happen. "He was saving the Hindus of Noakhali by his presence on Biliaghata Road, Gandhi explained"... 'How can I who am a Hindu by birth, a Hindu by deed, a Hindu of Hindus in my way of living, be an enemy of the Hindus'? he (Gandhi) asked his country men."¹⁸ Mr. Gandhi ventured to visit that area right in earnest though it was full of stakes. Credit, however, goes to the then Muslim Chief Minister of East Pakistan (Banladesh), Hussain Shaheed Suhrawardhy, who in the true spirit of Islam cooperated with Gandhi and protected the lives and properties of minorities and calmed down communal passions there at the critical juncture, and saved whole Bengal province from the holocaust that was otherwise likely. Gandhi was so much interested in the welfare of his Hindu community that he soon announced his decision to spend the rest of his life in Pakistan looking after the minorities."¹⁹ Such a statement on the part of this Indian leader ran counter to his tall claims of secularism; for he did not simultaneously speak in the same breath in respect of minorities that remained on Indian side after partition.

It is a known fact that partition plans of the Punjab and Bengal were finalized by the British arbitrator Cyril Radcliffe during British rule over India, when Mr. Attlee headed the Labour Government in Great Britain. In his book 'As It Happened', Mr. Attlee has placed the whole blame of this holocaust on Indian shoulders. He wrote: "the troubles were the legacy of the past in which Hindus and Moslems, in province after province had been guilty of acts of violence. It is idle to ask who began it, though it must be said that the most serious out-break was started by the Sikhs. Immense distress was caused by this outbreak and both Governments were faced with serious refugee problems."²⁰

Hindus and/or Muslims were indeed guilty of acts of violence during the last leg of British rule over India, but it is not correct to say that these troubles were the legacy of the past. The two communities comparatively lived in peace and harmony during the Hindu or Muslim rule in India. All the hatred inter-se developed during British rule over India, for the alien power occupied this country by parts mostly through intrigues and ruled under the policy of Divide and Rule.

A question could be asked whether it is not true that Radcliffe Award for the partition plan of Bengal was less aberrant when compared with the partition plan of the

Punjab. With the combined efforts of Gandhi and Suhrawardhy, the partition plan of Bengal was put in to effect with far lesser trouble, conflict and confrontation between Hindus and Muslims than the Punjab partition plan. Only a year before riots of serious kind had erupted in Bengal and it did not re-occur in its severity and magnitude as did in the Punjab immediately after Independence Day was celebrated. What was it due to? Was not the partition plan or the Punjab a multi-edged weapon that pen has ever produced in history? Did it not rouse the religious sentiments of different communities? Not only did this plan result in a historical holocaust, it created in its worst form a perpetual confrontation between India and Pakistan and a perpetual strain on the poor resources of the peoples of the two countries. It left the two countries in such an awkward position, where it became difficult to come out without high risks. The moment Gandhi tried for rapprochement and reconciliation between India and Pakistan and demanded release of cash balances to Pakistan by India, he was assassinated. The moment Nehru tried to come out of the trouble on Kashmir and sent Abdullah to Pakistan for rapprochement his life ended. The end of Lal Bahadur Shastri came when he followed suit in Tashkent. Indra Gandhi fell victim of the Punjab problem. Liaquat Ali Khan got killed. Bhutto was hanged, inter alia, for similar tendencies of rapprochement and restructuring the relations in South Asia.

Pakistan Government at that critical juncture, however, had to start abinitio. Unlike Indian Government it owned practically nothing at its creation except chaos, confusion and dismay. "India had withheld the agreed share of Bank's cash balances amounting to some Rupees 55 crore. There was hardly any money to meet the day to day expenses and the position was really critical. India ...believed that this very first blow would finish Pakistan."²¹ "Out of 170,000 tons of Army stores of undivided India, 60,000 tons were due to Pakistan. "Three hundred special trains had been assigned to carry her arms and ordinance. Three arrived. Opening them, a team of Pakistani officers discovered they contained 5000 pairs of shoes, 5000 unserviceable rifles, a consignment of nurses smocks and a number of wooden crates stuffed with bricks and prophylactics' ...'This trickery left bitter memories in Pakistan and a deep seated conviction among many that their Indian neighbours were trying to strangle them in the cradle. Field Marshal Sir Claude Auchinleck, who had been asked to stay on to supervise the division of the armies goods, informed the British Government, 'I have no hesitation whatsoever in affirming that the present Indian Cabinet is implacably determined

to do all in its power to prevent the establishment of the Dominion of Pakistan."²²

Faced with the colossal refugee problem of 2,750,000, Pakistan Government was simultaneously engrossed in building a host of institutions abinitio. It had no financial strength at its back. Soon, however, Nizam of Hyderabad at that critical juncture came to the rescue of the new born State and sanctioned a loan of Rupees 20 crores to Pakistan. "...the leaders of India were just wild and furious over it."²³ An agreement had earlier been executed between Governments of India and Hyderabad on their relations inter-se. Government of India claimed that, according to that agreement, Government of Hyderabad could not establish any connection and/or relations with any other Government. The loan of Rs. 20 crores sanctioned in favour of Pakistan was in the shape of promissory notes of Government of India. After a long correspondence and arguments on this subject with Government of Hyderabad, Government of India issued an ordinance whereunder those promissory notes were declared invalid and Pakistan was thus unable to draw that loan amount. In these odd circumstances the calibre of the team of Ministers, Advisors and Administrators that had been placed at the helm of affairs by Mr. Jinnah at that event was praiseworthy. Mr. Attlee wrote: "Great credit was due especially to Liaquat Ali Khan, who had to build up the governmental machinery in Pakistan almost from nothing."²⁴

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ACTION PLANS FOR ANNEXATION OF KASHMIR

Nawab of Junagadh's decision to accede to Pakistan and acceptance of his accession by Pakistan Government against the valid objection raised by India precipitated the situation between the two Dominions and also between the people of Kashmir State and Hari Singh Dogra beyond retrieve. Nizam of Hyderabad was yet another serious problem in the sub-continent, which affected the relations of the two Dominions and added a new dimension to Kashmir Problem. Like the self styled Maharaja of Kashmir, the Nizam of Hyderabad too wanted to go against the wishes of the people and continued to remain at the helm of affairs after 15 August 1947. Lopsided partition of the Punjab with Gurdaspur district on India's side provided necessary wherewithal to India to go ahead with her plan to annex Kashmir. Action Plans of other interested parties including that of the people of Kashmir gathered momentum. September and October 1947 shall be remembered by Kashmiri people as the worst months; for in these two months their history was repeated.

Immediately after Independence Day celebrations and announcement of Radcliffe Award, Dewan Chaman Lal put up a note to first Deputy Prime Minister of India Sardar Patel on 23 August 1947, suggesting that Kashmir Government be asked to "join the Indian Post and Telegraph Department for the Post, Telegraph and Telephone arrangements."¹ Post and Telegraph Offices at Lahore and some other places in Pakistan used to control and provide the postal, telegraph and telephone facilities to Kashmir State before independence of India and Pakistan. Other major communication systems of the State, which included three major highways, all the rivers and waterways, one railway line were going in to Pakistan. There were also two rail heads at Rawalpindi and Sialkote in Pakistan with which the State was connected. Under the Stand Still agreement between Pakistan and Kashmir all the existing arrangements were to continue. Continuation of the communication systems of the State with Pakistan would not obviously be commensurate with the objective of annexation of the State with India. Therefore there were reservations on signing the Stand Still Agreement by India with Kashmir Government either because that sort of an action would go against the Indian interests, for there were hardly any arrangements of any importance existing between Kashmir and India or that there were other reasons for not signing the Stand Still agreement.

Within the State of Kashmir, however, some significant developments were noticed simultaneously. On 23 August there appeared at Neela Bhat in Poonch district one young

Muslim Conference worker Sardar Abdul Qayum Khan who held a meeting of his party workers, where he pleaded to resort to armed struggle against Hari Singh, who called himself 'Maharaja' as before, after the lapse of his treaty rights. Further he told them that Hari Singh would not, under any circumstances accede to Pakistan for he had never in the past fulfilled the wishes of Muslims of the State. That was the first announcement of the holy war (Jihad) for the liberation of Kashmir from illegitimate and illegal Dogra rule. Muslim Conference then started holding public meetings and demonstrations in other parts of Poonch district against the tyranny of the Dogra Government and raised slogans of accession of the State in favour of Pakistan. In one such public meeting held at Bagh on 26 August, Dogra forces opened fire, got some people killed and wounded and many others arrested. This incident set in a tremour again after Quit Kashmir Agitation and enraged Muslims of Kashmir State as a whole. Usual oppressive measures coupled with the retaliatory conduct of the afflicted and infuriated Hindu refugees, who had poured in the territory of Kashmir from across the border from Punjab, multiplied the problem in due proportions. It is also said that Dogra Government imposed punitive taxes on Muslim peasantry in such areas where demonstrations were of serious nature. These included taxes on households, windows of buildings, sheep and other livestock. For the recovery of these taxes and for suppression of the uprising against his rule, Hari Singh employed his forces, who unleashed a reign of terror. "Muslim peasants in Kashmir's southern province of Poonch were the first to revolt",² under the leadership of Qayum Khan. That gave rise, in due course of time, to the armed revolt by the people against Dogra rule from other parts of Kashmir as well.

In 1946 Quit Kashmir Movement had been launched by Sheikh Abdullah. It had two cardinal elements: (a) That the 1846 Treaty of Amritsar was illegitimate and illegal and should therefore be abrogated and (b) That the Dogra ruler should quit from Kashmir, for he had no locus standi in the State. On 15 August 1947, the Treaty of Amritsar, however, was abrogated by the British Government along with the treaties of other Indian Princes. Therefore Hari Singh's right to decide the fate of Kashmir and/or continue his illegitimate rule suo-moto over the State against the wishes of the people was deemed illegal and immoral from that date onwards.

As tense atmosphere was building up against perpetuation of Dogra rule, Hari Singh rightly sensed that Muslim majority of the State, with whom he and his ancestors were at loggerheads all through Dogra rule, would not

permit him to continue; and his dream of becoming an autocratic or sovereign head of the State would not be fulfilled. V.P.Menon wrote: "...the Maharaja was in a Micawberish frame of mind hoping for the best while continuing to do nothing. Besides he was toying with the notion of an 'independent Jammu and Kashmir'"³ Nay! Maharaja was not in a Micawberish frame of mind. He tried his level best for independent Kashmir under his own aegis till his last. When there occurred an unprecedented uprising of the Muslim majority in the State, his intelligence reports revealed that the handful of Muslim officers and soldiers, whom he had, as an eye wash, recruited in the civil and military administration, were reluctant to be guided by his commands to commit atrocities against Muslims. Hari Singh also knew that thousands of demobilized Muslim soldiers of British Army, who had been recruited from Kashmir State during World War II, were due to join the People's Revolt against his rule. Therefore he alone could conceive what that actually meant. He had therefore to seek ways and means to overcome all such odds. On the other hand he would be the last person to reconcile with Muslim Conference and/or Muslim League at any cost. He must have also sought advice from his close associates and friends - Princes of Patiala and Kapurthalla, who, it is said, visited the State at that crucial event. The havoc that was wrought on Muslims in Kapurthalla by its Prince has been stated loco citato. In respect of Patiala State, the Health Minister in Nehru's Cabinet Rajkumari Amrit Kour, in her note to Nehru in first week of October that year wrote: "(1) Story of design and resistance of Muslims false and fantastic. They died like goats and sheep. About a lakh murdered in whole State; about 12000 in Patiala alone; whole families wiped out. Only innocent and helpless ones killed. Rape, abduction and possessions of naked women and other atrocities on them. Wholesale looting, with police and military help; the lion's share looted by military itself. Recoveries are being made from public alone and not military and civil officials; (and) (2) Conversion of Muslims to Sikhism alone permitted."⁴

These Princes had found panacea for all their ills and problems in the genocide of Muslims in their States and had acceded to India before 15 August. Self styled Maharaja of Kashmir was, he knew, in a different situation than the Princes of Kapurthalla and Patiala, but he too embarked upon wiping out Muslim population from Jammu and Kashmir State in a big way.

Nizam of Hyderabad, was at this point of time, insisting India to have a Treaty of Association rather than that of Accession. Congress leaders were pressing hard for

integration of that State with India on the basis of composition of its Hindu population and contiguity of the borders of Hyderabad. But in Kashmir they were wooing the self styled Hindu Maharaja against the principles of population composition and contiguity.

The right course for Hari Singh to become a bonafide ruler of Kashmir at that stage could possibly be to launch a sustained effort and careful negotiations with the peoples representatives and leaders of all political parties which existed at that time in the State; and then negotiate with Pakistan through Muslim Conference leader Chaudri Abbas whom he had put behind the bars without trial for over an year; and with India through Hindu leaders of Jammu and National Conference leader Abdullah. The difficulty in such a course could have been: (a) That he was enough of a Hindu to trust Muslim Conference leader, and (b) that he was on loggerheads with Abdullah primarily because he too was a Muslim and had challenged his bonafides squarely for the past so many years.

In order to overcome the odds that existed and bridge the gap between the lapse of his treaty rights and desire to be the head of an independent State Hari Singh had his plans, which according to the events that followed in succession, inter alia, included: (a) Development of a parallel system of communication with India side by side the one that existed with Pakistan; (b) Acquiring sufficient arms and ammunition from India to quell the disturbances and uprising from within and likely intervention from without. If India promised that sort of support without, of course, insisting on making Nehru's cat's-paw Abdullah as his Prime Minister, he would be willing to release him and give him some nominal crumbs of power, provided that Abdullah helped him against the rising tide of revolt in the State and owed allegiance and loyalty to Hari Singh; and (c) To agree to have Patel's man - Justice M.C.Mahajan as his Prime Minister, so that he could be helpful to bring him out of legal impasse caused by the lapse of the Treaty of Amritsar, and manage getting help from India in the form of arms aid and supplies. Pakistan at that juncture was trailing through the elementary phase of development and had no military hardware for her own forces to defend the new-born Dominion, which was only one or two months old.

Cardinal element in Hari Singh's Plan to save himself and his false position was, therefore, procurement of arms, ammunition and even military aid if needed from the foreign country - India. Normally a protocol in that behalf was needed inter-se. But India would not agree to recognize Kashmir as an independent State. Therefore with

massive trust in Sardar Patel's promises that all sorts of aid would be floated to Hari Singh by India without attaching strings, for purposes of quelling the uprising of Muslim Population of Kashmir, Hari Singh adopted a course which appeared him safe and dependable.

India on the other hand had her own plans for annexation of the State with that country. Events that followed in quick succession indicated that salient elements of Indian Plan inter alia, included: (1) Linking the Kashmir State with Indian Dominion by means of Telegraph, Telephone, Wireless and Roads expeditiously; (2) Give Maharaja Hari Singh assurances that India would provide all possible aid and help in respect of supply of Essential Commodities, Arms and Ammunition without Strings, so that he could keep the situation in the State under control, receive encouragement for oppressing Muslims who had revolted against continuation of his illegitimate rule in the State, and for resisting any pressure that might develop from Pakistan Government on him; (3) Have Close Liaison with and Indirect Control on Key points of Hari Singh's Government and thereby reduce the chances of his accepting the demand of Muslim majority for accession of the State to Pakistan; (4) Sheikh Abdullah, the arch opponent of Jinnah's ideology, be got released, so that he could be used to the extent possible, against Muslim majority favouring accession of the State with Pakistan; and (5) Keep Maharaja hankering for Arms Aid till his military stores are exhausted and he reaches a point where he would earnestly beg Government of India to do something and save him falling from his position. At that stage the stubborn Maharaja, as V.P.Menon would call him, might sign the Instrument of Accession with India, without latter getting any blame that Maharaja was cornered to that position.

In order to initiate action towards this sort of a plan, Justice Mehr Chand Mahajan first received a letter from Maharani Tara Devi to appear immediately for an interview before Maharaja for the post of Prime Minister of Hari Singh's government. "Sardar Patel, says Sheikh Abdullah, "placed Mehr Chand Mahajan and Ram Lal Batra (both from outside the State) at the highest offices of authority in Kashmir under a well conceived Plan."⁵ Dr. Karan Singh, the only son of Maharaja also affirmed the fact that "Lala Mehr Chand Mahajan ...became Prime Minister at the crucial juncture with the blessings of Sardar Patel."⁶ Thereby India could control the nerve centre of the State. It may be recalled that Justice Mehr Chand Mahajan was the same person who represented Congress on the Boundary Commission for partition of Punjab, where he suggested the annexation of Muslim majority district of

Gurdaspur with India and thus helped in providing a fair weather road link to Kashmir State. Thus he must have been conversant with the aims and objectives of India in respect of Kashmir State.

On 24 August, Mr. Jinnah instructed his Military Secretary 'Col. William Birnies to go to Kashmir and arrange for him to spend two weeks resting and relaxing in mid-September. The need for his visit was said to have risen due to his acute disease of lungs. But it was also true that his belief of 'Kashmir being an inseparable part of Pakistan' had received a jolt under Radcliffe award. He must have thought that his contact with Maharaja was necessary in the context of his stand that the Princes of India could remain independent if they did not wish to join either Dominion by 15th August. But it was too late for him to do so. "The British officer nonetheless returned five days later with an answer that stunned Jinnah. Hari Singh did not want him to set foot on his soil, even as a tourist."⁷ No one, however, knew what actually transpired between Maharaja and the British officer.

Both Indian and Pakistani leaders had faith in foreign nationals in all important matters. At the time of partition of the Country Indian Army had six Generals. They were all British. Irony of fate is that Mr. Nehru permitted Auchinleck to become the Supreme Commander of Indian Army, and Jinnah selected Lt. General Sir Frank W. Messervy of the Northern Command as the first Commander-in-Chief of Pakistan. Auchinleck was first retained by Mr. Nehru for the division of the army and military stores; but why was he permitted to continue till the forces of newly born Dominions got engaged in a long strife in Kashmir shall remain questionable.

Jinnah, however, must have been panicky at Maharaja's reply which the British Officer conveyed to him. He was caught unawares when the tables seemed turning against his calculations that Kashmir was a blank cheque in his pocket. A stage was therefore set where the two Dominions turned enemies inter-se at their very birth. The jolt that Jinnah got from the reply of Maharaja must have culminated in to some sort of a Plan of Pakistan for annexation of Kashmir, though time had already elapsed for investigations, preparation of Base Plans, Processing and Evaluation of the Key variables required in achieving the ultimate objectives. In hot haste any Plan could go wrong. Chances of tumbling were there. On the other hand Indian leaders had caught the time by forelock, visualized and worked hard for years in the direction of achieving their objectives in Kashmir, even if the same

were undemocratic, hypocritic and most unjust. The Plan that was hastily evolved by Pakistan at critical juncture, as the successive events indicated, was: (a) To provide all possible support to Muslim Conference and Muslim Revolutionaries and Strengthen the revolutionary Base in the State against its ruler Hari Singh; and (b) To Crush the State forces at the hands of Revolutionaries and annex the State with Pakistan under the patronage of Muslim Conference Party of the State.

While the People's revolt and/or Uprising in Poonch, Mirpur and other areas of the State was progressing apace, it was "on 4th September (that) a report from the Chief of the Staff Jammu and Kashmir State forces, complained of armed infiltration from Pakistan and advised the Government to ask Pakistan to stop this. On the same day, the Kashmir Prime Minister in a telegram to the Premier of West Punjab and the Dy. Commissioner of Rawalpindi said, 'Ostentatiously their purpose is to loot and attack minority communities... His Highness's Government consider this encroachment highly detrimental to maintenance of peaceful relations unless prompt action is taken to force these peoples back and to prevent further encroachments of this nature... Immediate action essential.'⁸ "...the Dy. Commissioner of Rawalpindi replied that he had personally visited the area and was sure that no infiltration had taken place, because this was 'not seen by any of my officers or village officials anywhere at various points.' He, however, assured that he would also take action if anything specific could be pointed out."⁹

As to the political parties in the State, there existed Muslim Conference, National Conference and a few more parties at that time. The peasants who contributed a sizeable proportion of the State population had formed their own association by name All Jammu and Kashmir Kisan Mazdoor (Peasants) Conference. On September 5, 1947, the Working Committee of this political party adopted a resolution on the future Status of the State in the following words:

"The most important national problem facing the people of Jammu and Kashmir at the present moment is whether the State should accede to India or Pakistan. If it is solved in a right way the four million State people can live peacefully and comfortably in future; they will then also make sound progress. Otherwise the State shall have to face civil war and ruin...The basic principle which guided the partition of the country according to the 3rd June Plan was that all the provinces and districts where Hindus are in majority have been included in the Indian

Union and all those regions where Muslims are in majority have been put together to form Pakistan. The provinces of the Punjab and Bengal have been divided in to two parts each under the operation of the same principle. The district of Sylhet in Assam has also been included in the province of East Pakistan according to it.'

'...The Committee is of the opinion that there is now no alternative before the State but to join Pakistan. If she does not do so, the Country and its people shall have to face immense trials and tribulations...The overwhelming majority of Kashmir's population is Muslim. The State is contiguous with Pakistan territories. All the three big highways and all the rivers of the State go in to Pakistan. For these reasons, the Working Committee is of the opinion that the State should accede to Pakistan. This alone will be the natural and the right course to adopt...'¹⁰

Tension between India and Pakistan, on the other hand, continued building up. "On 6 September 1947, Government of India sent another telegraphic reminder to Pakistan on Junagadh affair. This was followed by another telegram on 12 September 1947 to Prime Minister of Pakistan by name indicating the Government of India's willingness to accept and abide by the verdict of the people of Junagadh in respect of accession of the State to either of the Dominions..."¹¹ On 13th September India was informed by Pakistan that they had accepted Junagadh's accession and also signed a Stand Still Agreement.

Even if it be admitted that up to 15th August 1947, the Nawab of Junagadh had a sovereign right to decide the future of his State, and he declared accession to Pakistan well by that date; it is also a fact that such a decision on his part cut across the principle of Partition of the Country. Composition of Junagadh's population demanded its annexation with India, more so because that State was contiguous to that Country. Acceptance of Accession of Junagadh State, without first ascertaining the wishes of its people constituted territorial aggrandizement on the part of Pakistan and contributed in major proportion in perpetuating the situation in Kashmir State where India blindly followed suit.

Simultaneously Action Plans of Indian Government both in respect of Junagadh and Kashmir got a fillip at that juncture. On 13th September 1947 Sardar Patel wrote to his Defence Minister:

"(1) I have received a request from the Kashmir Durbar to

arrange for the loan of services of Lt. Col. Kashmir Singh Katoch for services as Commander-in-Chief of the Kashmir forces vice Major General Scott who is retiring.

(2) You know the difficulties of the State, and I feel that at this juncture it would be most useful to have an officer of our own Army as Commander-in-Chief of the Kashmir Forces. The officer selected is the son of the Prime Minister of Kashmir General Janak Singh and has opted for service with the Indian Dominion. It would be best, therefore, to lend his services for a period of three years on condition that, if the State decides to join the other Dominion, Col. Katoch will revert to the Indian Dominion.

(3) It is possible that owing to the fact that the India Command has recently been set up, you might find it difficult to spare Col. Kashmir Singh Katoch. While it is possible for us to find substitutes, I am doubtful whether Kashmir could get a more suitable person. I would, therefore, request that any such reasons should give way to the overriding consideration of having our own man as Commander-in-Chief of the Kashmir State Forces."¹²

Sardar Patel had, by then, planted his man from civil services by name Mr. Ram Lal Batra as the Dy. Prime Minister of Kashmir State. He was in fact at the helm of affairs in the State at that time. To what an extent Mr. Batra played his role in calling for the services of a high ranking officer of Indian Army, one does not know. But Sardar Patel minced no words and clearly gave out intentions of Government of India, when he wrote to his Defence Minister, "I feel that at this juncture it would be most useful to have an officer of our own Army as Commander-in-Chief of the Kashmir Forces." This sort of action, besides being a tacit Military intervention in a neighbouring State, is believed to constitute foreign intervention of a serious sort, and exposes the unique ignoble methods of Indian Government for annexation of Kashmir.

In another such case, Maharani Tara Devi (wife of Maharaja) had, in the meanwhile, received prompt response from Congress Stalwart Justice Mehr Chand Mahajan to appear at the interview before Maharaja for the post of Prime Minister. Besides the autocratic method of filling up the post of the head of Administration by direct recruitment and not by election, noteworthy is the point that correspondence inter-se in this behalf was not made through Post and Telegraph office which, at that time, lay under the control of Pakistan. Special carriers were

engaged for this purpose and Military escort was provided to Mahajan by Maharani for his travel to appear at the interview.

Sheikh Abdullah has in his book 'Atashi-Chinar' later revealed that, "Sardar Patel placed Mehr Chand Mahajan and Ram Lal Batra at the highest offices of authority in Kashmir under a well conceived Plan. Further he wrote that Maharani was under the influence of a Raj Guru (Priest of Maharaja's family) Swami Sant Dev. He was a non-State subject, highly prejudicial and a person of surreptitious conduct. He was first permitted by Maharaja to live in the pavilion at Achabal. Later he lived in a bungalow at Cheshma Shahi (a Place in the vicinity of Maharaja's Palace). Maharani got Ram Lal Batra - a retired officer of the Punjab Civil Service appointed first as Minister-in-Waiting and then as Dy. Prime Minister." Should Raj Guru Sant Dev be construed as a member of the coterie employed by the Dy. Prime Minister of India Sardar Patel for annexation of Kashmir with India could thus be imagined.

Within a week's time after his interview, appointment order of Mehr Chand Mahajan was issued. Sardar Patel in this connection wrote a letter to Maharaja on 21 September 1947 assuring him India's help and all possible assistance at that critical juncture. The contents of this letter stated ut-infra reveal that Mahajan's appointment as Prime Minister of Hari Singh's Government was closely linked with assurances of Government of India, probably conveyed through Mr. Batra and others, that India would render all possible help and cooperation to Maharaja to crush what he later called disruptive forces. By 'Disruptive forces' he meant anti-Dogra, anti-India and pro- Pakistan Muslims of Kashmir. His letter, however, reads as:

"Justice Mehrchand Mahajan met me yesterday and I am glad to learn that your Highness had decided to appoint him as your Prime Minister. It is a wise choice and I have no doubt that he will be able to handle the affairs of the State in this critical period, firmly and in the statesman like manner. He has discussed with me about the immediate requirements of the State and I have promised him full support and cooperation on our behalf. We fully realize how difficult the situation there is, and I can assure Your Highness that we will do our best to help your State in this critical period. Justice Mehrchand will convey to you personally the gist of our conversation on all matters affecting the interests of Kashmir.

I have also written a letter to Mr. Batra, the Deputy

Prime Minister of Jammu & Kashmir today on matters on which he had asked our assistance.

I trust You Highness in keeping good health."¹³

Although Mahajan did not assume his duty till 15 October 1947, issue of his appointment order as Prime Minister of the State was suspected by the people that it might be a back door entry to manipulate accession of the State with India. Lest that happen two political parties of the State urgently held meetings on the burning issue of accession of the State. On 18th September 1947 the Kashmir Socialist Party passed the following resolution unanimously:

"...After mature consideration, the Party has arrived at the decision that in the best interests of the poor and backward people, accession to Pakistan is desirable. The Party impresses upon the Maharaja that without any further unnecessary delay he should make an announcement accordingly."¹⁴

"On 22nd September (1947) a convention of the prominent workers of the J&K Muslim Conference held in Srinagar under the presidentship of Hamidullah Khan (again) adopted a resolution demanding that the State should accede to Pakistan. Hamidullah presented a memorandum to General Janak Singh - Prime Minister, impressing upon him 'the desirability of taking a speedy decision about the accession issue in accordance with the desire of the overwhelming population of the people'... Hundreds of telegrams were sent to the Maharaja from all over Kashmir, imploring, beseeching and advising him not to accede to Indian Union."¹⁵

Maharaja, however, remained stubbornly reluctant to accede to either Dominion till he exhausted all his efforts in futility and was later driven to corner in the process. But with the mounting pressure from the Public that he should announce accession of the State with Pakistan, he instead stepped up all possible measures to implement his own Plan expeditiously. That Plan, as stated earlier, consisted of establishment of parallel communication system with India; acquisition of necessary arms and ammunition required for circumventing the uprising and revolt of the people and of a section of his own armed forces; and release of Sheikh Abdullah on owing his allegiance to the self imposed ruler Hari Singh.

In its letter dated 23 September 1947, Dy. Prime Minister of Hari Singh's Government expressed gratitude to Sardar Patel for supplying 'requisite Wireless equipment on loan

for making Srinagar and Jammu landing well equipped for all-weather air service' and added that, "A separate self contained letter is being sent to Hon'ble Defence Minister for supplying arms and ammunition. Part of these were requisitioned long ago through the Resident and the remaining represents our immediate present needs. It is requested that you may kindly use your good offices to have the indents supplied immediately. The reason for this need hardly be stressed as you must be well aware of the dangers which are being manufactured and threatened against the State. In case we are fully equipped we are resolutely determined to face, if forced."¹⁶

As to the case of Sheikh Abdullah, Pt. Nehru and other Congress leaders had, ever since his arrest, been pressing Maharaja hard for his release. Through Ram Lal Batra (Patel's man in Dogra Durbar), Maharaja was made to believe that Abdullah's release was the urgent need of the hour. Maharaja would, however, agree to accede to the requests of Congress leaders in this behalf provided that Abdullah apologized and gave up his Quit Kashmir Movement and owed allegiance to Maharaja. This was communicated to Abdullah through Mr. Batra and Nichant Chandji (Maharani's brother).

Abdullah must have been on the horns of dilemma in that sort of situation. Jinnah had not seen eye to eye with his conduct all through his political career. Abdullah was a close associate of Nehru, Khan Gaffar Khan of North West Frontier Province and other nationalist Muslim leaders of India with whom Jinnah was at loggerheads. Abdullah was the arch opponent of Jinnah's two nation theory. There were remote chances, therefore, for him to toe Jinnah's line and plead for accession of the State to Pakistan.

Abdullah had been sentenced for three years imprisonment on 10th September 1946. He had still to remain for one year and 8 months in jail. Contrary to his expectations, Pakistan had come in to existence and he had no following in the State. No one bothered in Kashmir for his release. Muslims of Kashmir had risen in revolt against Dogra rule. They were asking Hari Singh to release Muslim Conference leaders and declare accession to Pakistan. Thousands of Muslims of Poonch, Rajouri, Mirpur, Kotli and other areas of the State had, after serving in the British Army in World War II, either retired from active service or demobilized. If they joined the revolt, Maharaja's forces, scattered over a large mountainous territory would not be able to control the situation. In that sort of a situation if Abdullah continued to remain behind the bars, he would not be able to gain access to

any seat of power in the State. Muslim Conference was, on all possible counts, due to gain power which he would not ever like.

Abdullah was therefore constrained to back out from his public commitments, violate his declared policy and change his stance. At this stage he was most probably also assured of Nehru's full support for his becoming the Prime Minister of Kashmir. Therefore he gave up the root cause of Kashmir Problem, and toed the Nehru's version of Quit Kashmir Agitation that the National Conference thereby meant to have democratic set up under the aegis of Hindu Dogra ruler. Again by 'democratic set up' Nehru actually meant Abdullah and his party alone to come to power under Maharaja. Nehru did not voice any concern over the detention of Muslim Conference leaders and/or the genocide of Muslims by State forces at that time in Poonch, Mirpur, Bagh, Rawalkote and other areas of the State.

Motivated, inter alia, by his strong desire to gain access to the seat of power, Abdullah, in keeping with his chameleon career, changed his colour at the cost of serious consequences in Kashmir. He wrote a letter to Maharaja on 26 September 1947 in which he apologized, owed allegiance and loyalty to Maharaja and accepted the country of Jammu and Kashmir to attain an era of peace, prosperity and good government under the aegis of Maharaja Hari Singh. In sum and substance he gave up the cardinal elements of Quit Kashmir Movement. His chameleon type political conduct became seriously questionable in the majority community and his close associates and members of the Working committee were displeased with him and some of them even left his party for good in due course of time.

Abdullah, it is natural, would have been helpless in the situation that was caused by circumstances. Had he not remained in prison during the period India and Pakistan gained independence, there were chances of his taking some other course on visualizing the mood of Muslim majority that prevailed at that time in Kashmir against India and Hari Singh's continuation as Maharaja of Kashmir after the lapse of his treaty rights on 15 August 1947. In that context, therefore, it was blessing in disguise for Indian leaders that Abdullah remained behind the bars till that critical situation was reached in Kashmir. Abdullah in that situation judged that he and his party workers would not be spared by Pakistan for (a) having shown disrespect to Ali Mohamad Jinnah at the time of his visit to Kashmir in 1944, and (b) his incessant opposition to two nation theory propounded by Jinnah for

the division of the country. For these reasons and his helplessness per-se, if he found his saviour in Mr. Nehru that was understandable. But how did a person like Mr. Nehru, in the capacity of Prime Minister of India and his Dy. Prime Minister Sardar Patel, venture to openly gain control on the internal politics and administration of a neighbouring State (Kashmir) is not understood. Did their interference on one pretext or the other, not constitute 'Foreign Adventure and flagrant violation of universally accepted norms of Inter-State relationship'?

On 27 September 1947, Nehru wrote a letter to Sardar Patel, some salient excerpts whereof are reproduced ut-infra with its important points put in bold letters. These are:

(1) "The approach of Winter is going to cut off Kashmir from the rest of India. The only normal route there is via the Jhelum Valley. The Jammu route can hardly be used during winter and air traffic is also suspended. Therefore it is important that something should be done before these Winter conditions set-in. This means practically by the end of October or, at the least, the beginning of November. Indeed air traffic will be difficult even before that."

(2) 'I understand that the Pakistan Strategy is to infiltrate in to Kashmir now and to take some big action as soon as Kashmir is isolated because of coming winter.'

(3) 'It seems to me urgently necessary, therefore, that the accession to the Indian Union should take place early.'

(4) 'I rather doubt, if the Maharaja and his State forces can meet the situation by themselves and without some popular help.'

(5) 'Sheikh Abdullah has repeatedly given assurances of wishing to cooperate and of being opposed to Pakistan, also to abide by my advice.'

(6) 'At the same time (Sheikh Abdullah) can not carry his people with him unless he has something definite to place before them. What this can be in the circumstances, I can not define precisely at the present moment.'

(7) 'Indeed it seems to me that there is no other course open to the Maharaja but this: to release Sheikh Abdullah and the National Conference leaders, to make a friendly approach to them, seek their cooperation, and make them feel that this is really meant and then to declare adhesion to the Indian Union.'

(8) 'I would again add that time is (of) the essence of the business and things must be done in a way so as to bring about the accession of Kashmir to the Indian Union as rapidly as possible with the cooperation of Sheikh Abdullah.'

In this context a few important questions come to one's mind which include:

(a) How did Nehru write that Winter is going to cut off Kashmir from the rest of India. Was Kashmir part of India in September 1947?

(b) Did this sort of action on the part of Nehru not constitute interference in the internal affairs of the neighbouring state - Kashmir? and,

(c) According to Nehru, Sheikh Abdullah's cooperation would mean some popular help to Maharaja. Sardar Patel in his letter dated 21 October 1947 to the Prime Minister of Kashmir, weighed Abdullah's support to Maharaja as equivalent to 'some measure of popular backing'. Popular backing, if Abdullah had any, amongst the people of the State, however, was not determined; for there were other political parties too in the fray who had resolved to accede to Pakistan and the majority community had risen in revolt against Maharaja; and situation, according to Nehru himself was 'dangerous and deteriorating one' at that time. If Nehru did not falsely claim Abdullah having some popular support, he should have tested this nationalist Muslim of Kashmir in the way he tested Gaffar Khan's strength in North West Frontier Province and of other nationalist Muslim leaders of Sylhet in Assam, where the people overwhelmingly voted against Indian ideology and joined Pakistan through Plebiscite. "The (National Conference) Party had not a single member in the Legislative Assembly. True, the party had boycotted the elections to the Legislature in January 1947, but that could only make its strength doubtful; the Conference might or might not have been victorious at the polls. There surely were some other parties, notably the Muslim Conference, Kisan Mazdoor Conference (and Socialist Party) challenging its strength and claiming to represent the voice of the people. Also the birth of Pakistan had made the position of National Conference precarious as it had done with other pro-Congress organisations in the British Indian Provinces with Muslim majorities. Had the Congress not entertained any designs of aggression it should have desisted from directly or indirectly interfering with the problem facing the State."¹⁷ Therefore there were certain obvious paradoxes in the policy and Plan of Government of India in respect of Kashmir. These included:

(A) If Abdullah or his party had some popular backing amongst the majority community, why did not Nehru advise Patel in his letter that killings and oppression of Muslims by State forces be got stopped at that crucial moment?

(B) When Congress leaders were committed to support People against the rulers in all other Princely States

including Junagadh and Hyderabad, why were these hectic efforts made by them to prop up a Hindu Ruler against Muslims and also against the accepted principle of composition of population of the State of Kashmir alone? Had not Mr. Gandhi earlier agreed in writing: "Knowing that Kashmir is predominantly Mussalman it is one day bound to become a Mussalman State."¹⁸ 'Sovereignty', Sardar Patel had said in June 1946, 'should vest in the people and not with the individual rulers'.

(C) If India's encouragement to Maharaja for quelling down the People's revolt against his rule flared up the situation further in Kashmir, how was Abdullah projected before the World as the sole representative of the people of all shades and regions of Jammu and Kashmir?

(D) In September 1947, Nehru stressed Patel that 'Something should be done before the end of October 1947, when the drama of Foreign Adventure and/or Territorial Aggrandizement actually took place in the last week of October 1947 in the State, how could India escape being party to the whole episode. This sort of a question, assessment or inference is duly strengthened by the fact that further steps by India in this direction included appointment of one Gopal Swamy Ayyanger as Minister without Portfolio in the Indian Cabinet in the same month, and establishment of a Provisional Cabinet Defence Committee on 30 September 1947, consisting of Prime Minister (Mr. Nehru), Dy. Prime Minister (Sardar Patel), Defence Minister (Sardar Baldev Singh) and Minister without Portfolio (Gopal Swami Ayyanger) under the chairmanship of Lord Mountbatten who had full knowledge and experience of Military affairs and might have been eager to bring his own Plan to a successful end before his final departure from India.

Gopal Swami Ayyanger had served as prime Minister of Jammu and Kashmir Government for about six years from 1937 to 1943. He had created a history in Kashmir during that period. Till 1938, Muslims of the State were unitedly fighting against the despotic Dogra rule under one flag and from one platform of Muslim Conference. Abdullah broke away and formed National Conference on the advice of Mr. Nehru. Bickering and clashes between the followers of Muslim Conference and National Conference were encouraged by his Government. While the State forces almost remained devoid of Muslim recruitment, more than 65,000 Muslims, mostly from Poonch and Mirpur were spared for recruitment in the British Army to fight in World War II outside the State. Demonstrations of the Muslims both from the Muslim Conference and National Conference against the State Government were so rampant, severe and intense during that period that Mr. Ayyanger too was assaulted while moving in his car through Srinagar. Mr.

Ayyangar was conversant with the local politics of the State and therefore most suited as a Minister for the Indian Cabinet at that crucial juncture; and, (E) Nehru, in his letter stated as above, admitted that Abdullah could not carry his people with him unless he had something definite to place before them. Nehru did not openly divulge what 'that something' meant. People with Abdullah could only be members and/or workers of National Conference. That section of the Muslim majority which wished to eliminate Dogra rule or opposed Congress ideology or favoured accession of the State with Pakistan would not fall in the category of Abdullah's people. Even in the National Conference some people would hardly accept any price, crumbs of power or any other compensation against their self respect and common cause of Muslims of the State. As later events proved, 'that Something' actually meant that certain individuals of the National Conference were brought in the Cabinet and/or placed at the key posts of administration so that Abdullah could carry them with him in accomplishing the plans of Indian Government on Kashmir.

Invisible signals, however, came across the Himalayas carrying the message for immediate release of Abdullah, who was soon released from Jail on 29 September 1947 along with some other National Conference leaders/members and his unexpired period of imprisonment (about one year and eight months) was pardoned by Maharaja. That way one part of India's Plan for annexation of Kashmir was accomplished. Jinnah, on the other hand, had been asking the Kashmir Government for the release of Chaudri Abbas and other Muslim Conference leaders who had been kept in detention without trial for the past about one year. Many more members and workers of Muslim Conference were instead arrested afresh in Poonch, Mirpur, Bagh and other areas of the State. In the context of the revolt by Muslims of the State against Maharaja and their insistence for announcing accession of the State with Pakistan, their release would neither be compatible with the Plan of Maharaja to continue as ruler of an independent State nor with the Plans of India for annexation of the state with that country.

On Junagadh's accession to Pakistan, Indian Government was simultaneously agitated. India raised an issue of Babariawad and Mangrol with Government of Pakistan. Nawab of Junagadh claimed these two areas as part of his State and claimed the right to maintain its forces over there. Sheikh of Mangrol, it was contended by India, had been made to sign the Instrument of Accession with Pakistan under duress. Economic blockade of Junagadh was placed. Railway communication from India to Junagadh was cut off.

"On 24 September 1947, the Government of India decided that a brigade, consisting of troops of the Indian Army and the forces of acceding States should be suitably disposed in Kathiawar for the protection of States which had acceded to the Indian Union. It was decided that an adequate force should be sent to Mangrol and Babariawad."¹⁹

With the purpose to reverse Nawab of Junagadh's decision of Accession to Pakistan, a provisional Government was simultaneously announced on 25 September 1947 outside Junagadh on Indian soil in Bombay under the leadership of one Samaldas Gandhi - a nephew of Indian leader Mahatma Gandhi. Headquarters of that Provisional Government were soon shifted to Rajkot near Junagadh in India, where Samaldas Gandhi recruited volunteers and started making assaults on Junagadh in quick succession.

"At a meeting of the Joint Defence Council held on 1 October (1947) Nehru requested Liaquat Ali Khan to get Mangrol and Babariawad vacated and promised India would not occupy them pending a legal opinion on this matter."²⁰ "On 5 October, a telegram was received from Liaquat Ali Khan in which 'he suggested whether Babariawad and Mangrol were free to accede to either Dominion, notwithstanding Junagadh's claim to suzerainty over them, should be referred for independent legal opinion of a counsel whose name might be agreed upon between the two Dominions. If this India was acceptable to, the Pakistan Prime Minister promised to issue instructions to Junagadh to withdraw troops from Babariawad and Mangrol.' To this Nehru replied that the main question of Junagadh had not been touched on at all and that it was essential to reach a settlement on that fundamental issue first."²¹

On 21 October 1947, a Plan to occupy Mangrol and Babariawad by force was drawn and the same was approved for operation by Government of India on 25 October 1947. This was to undo the harm that Pakistan Government had first imparted on the cardinal principle of Partition (viz accession on the basis of contiguity of the States territory and Composition of Population). This sort of action and/or subsequent onslaught by Government of India in collaboration with the Hindu population of that State on Junagadh appeared plausible, whether or not it was legal and constitutional. Compared to that Indian Government's approach to annex Kashmir with India was not only deviation from the accepted principles of partition of the Country but it bypassed the freedom struggle of one full century of Kashmiri Muslims against Dogra rule and showed all the signs of territorial aggrandizement.

With the release of Abdullah, one more contestant was added in disguise to the contestant's list for power in Kashmir. Ram Lal Batra and Mehrchand Mahajan, the two recognized confidants of Dy. Prime Minister of India, were the chief coordinators of the drama that was played overtly and/or tacitly by five contestants to capture Power in Kashmir. After all a vacuum had been created in the State by the lapse of British paramountcy and loss of treaty rights of Princes, which had to be filled up anyhow. In his letter dated 2nd October 1947, addressed to Maharaja, the Dy. Prime Minister of India praised him for having proclaimed, what he called, general amnesty in Jammu and Kashmir. What was that general amnesty? It was nothing more than release of Abdullah and his party members. The Dy. Prime Minister of India knew full well that the Jails of Kashmir State still remained filled with political foes of Maharaja and the Indian Union.

In respect of provision of parallel Communication System of the State with India, Sardar Patel stated, "I am expediting as much as possible the linking up of the State with the Indian Dominion by means of telegraph, telephone, wireless and roads. We fully realize the need for despatch and urgency and I can assure you that we shall do our best."²² Whatever would contribute a step forward in the direction of annexation of Kashmir with India was attended by Indian Government on top priority basis. Against this, notwithstanding repeated assurances of Patel, Government of India slept over the demand of the State Government for supply of arms and ammunition, and permitted the pressure of the uprising and people's revolution to grow further on Maharaja so that he was cornered to a position where he bade farewell to his notion of Independent State and acceded to India.

Ram Lal Batra then sent a reminder to the Defence Minister of India on 3rd October 1947. It read as: "An indent for military equipment was sent to you on 1 October, and another letter connected therewith is being sent today. I trust this would receive your earliest attention"... "I am writing this to say that Mr. Justice Mahajan after meeting you at Delhi conveyed the hope that it would be possible for the Indian dominion to concentrate some military forces at Madhopore (on the border with India) or at any equally near and convenient centre for rendering this State Succour in case it is needed"... "In my letter being sent today, the situation which appears to be developing requires strengthening of all resources. The State is determined to face the menace squarely; but in case occasion arises for the Government here to avail of the help promised above, it trusts that it can confidently rely on the fulfillment of the

same."23

The contents of Batra's letter quoted above, reveal that People's revolt in the State had grown to a limit where Maharaja found himself in danger and difficulty. Arms aid was therefore needed immediately to curb uprising and kill the revolutionaries. This also confirms the fact that Maharaja had been encouraged and prompted to face squarely the uprising and Revolution of the anti-Indian and pro-Pakistan people of the State, which Batra termed as 'Menace', and also the danger if it came from across. For this purpose Maharaja had been promised Succour by India - a promise only to keep him in good humour.

Abdullah's position became perilous and precarious immediately on his release from Jail in September 1947, when he found that the Muslims of Kashmir wanted to know the outcome of sacrifices they had given in Quit Kashmir Movement, and his views on the accession of the State. People would, he knew hit him hard if he told the truth that he had given up his stand. In his first public address after his release on 3rd October he said, "I do not know why I had been arrested and why released... Responsible Government must be established in the State... We can not decide accession issue without internal freedom. Therefore our slogan should be 'Freedom to precede Accession'"24

Demand of Responsible Government was in fact a vain twist of the demand of Quit Kashmir. Democratic Government was otherwise also supposed to come to the people of the State in the normal course after they attained freedom from the alien Dogra rule. British Paramountcy and Treaty Rights of Maharaja had both lapsed. The burning issue was that of future status of the State. Emphasis on democratic set up in Kashmir against 'Freedom Struggle' of the people at that event, in effect meant turning the needles of the time backwards and perpetuation of Dogra rule in Kashmir till the Dogra rule was tactfully replaced by yet another tyrant alien rule after one century of incessant slavery of Muslims of Kashmir.

The hatred against alien rule was, in fact, born in Kashmir, when there started Mughal rule in the State. It remained in hibernation state due to religious affinities of the people during Mughal rule. Then in the year 1752, Afghans occupied Kashmir and ruled it for 67 years. Sikhs came in 1819 and left after 27 years. Dogra rule started in 1846 and continued for one full century. During this long period of alien rule, freedom struggle in Kashmir remained intermittently active, dormant and hostile. On account of lapse of fraudulent Treaty of Amritsar on 15

August 1947, Maharaja had lost his illegitimate locus standi to continue the possession of the territories of Kashmir. At a stage when India won freedom, support to continuation of alien Dogra rule in the State and demand for establishment of National Conference biased democracy was derogatory to the freedom struggle of Muslims per-se. Would India agree to continue under British rule and have democracy instead ? Again could the demand for Independence be replaced by so-called democracy under an alien rule?

However, the lukewarm statements of Abdullah about accession of the State appeared surreptitious. Muslims of the State were already annoyed with Abdullah for his opposition to Pakistan. Further ruptures appeared, in due course of time, in the National Conference as well; for some close associates of Abdullah suspected him to have struck some bargain with Maharaja and/or Mr. Nehru. Tempo of revolt against undue perpetuation of Dogra rule in the State, on the other hand reached a final stage by that time. While Abdullah was addressing first public meeting after his release from Jail at Srinagar on 3rd October 1947, Muslim Conference on the same day drafted, adopted and issued to the Press a Proclamation on formation of 'Provisional Government of Jammu and Kashmir' which inter alia, said: "Maharaja Hari Singh's title to rule, has come to an end from August 15, 1947, and he has no constitutional or moral right to rule over the people of Kashmir against their will. He is consequently deposed with effect from October 4, 1947. All the Ministers and officials of the State will henceforth be duty bound to carry out the orders and instructions of the Provisional Government. Anyone disobeying this duly constituted Government of the People of Kashmir or in any way aiding or abetting the ex-Maharaja in his usurpation of the rule of Kashmir will be guilty of act of high treason and will be dealt with accordingly."²⁵ "The headquarters of the Provisional Government were, it was declared, established at Muzaffarabad (in Kashmir). This historic announcement was broadcast from the Radio Pakistan and was received enthusiastically by the people of Kashmir."²⁶ On 4th October 1947 Maharaja Kashmir was informed telegraphically that he stood deposed with the establishment of People's Provisional Government of the State.

This Proclamation of the People's Government, first set in a tremour in the Dogra Army and Police Departments. Desertions of Muslims in all echelons of Military and Police Services of Dogra Government started forthwith and they joined the Liberation Army of the People that was operating in Poonch and Mirpur areas of the State.

Within days after his release from Jail, however, Abdullah could feel the pulse of the people of different shades and regions of the State. He immediately sensed the consequences and mended his stance, in his usual chameleon characteristic manner, on Accession Issue and declared in another Public meeting: "This time there is this question before the State of Jammu and Kashmir: 'Should it accede to India or to Pakistan or be aloof and remain independent' ... Our foremost duty is to attain freedom from Dogra domination. After that if the people here decide to accede to Pakistan, I shall be the first man who will accept that decision."²⁷

Abdullah was, on the other hand, clandestinely working for taking over the administration of the State in his hands under Hari Singh Dogra. At this critical juncture, when Freedom of enslaved Muslim majority of Kashmir was well in sight; when alien Dogra rule had virtually collapsed with the lapse of Treaty rights and under the heavy onslaught of Kashmir Liberation Army; there appeared on the scene, as in the past, one Kashmiri Hindu by name Dwarka Nath Kachru who helped in turning the tables to the liking and desires of India and the Hindu minority community of the State. As Secretary of the States Peoples Conference he played a formidable role in keeping Mr. Nehru well informed with the political developments of the State and raised hopes in Sheikh Abdullah if he helped in annexing the State with India.

With the successes of the Kashmir Liberation Army and defeat of Maharaja's forces, Abdullah feared his doom and eventually decided to meet Nehru in order to seek his assurances of the hopes that had been incessantly raised in him by Indian leaders through Mr. Kachroo and others. Before leaving Srinagar for New Delhi on the 13th or 14th October 1947, Abdullah and his wife met Maharaja Hari Singh. "...The burden of his talk was that His Highness should trust him and hand over the administration of the State to him. He would then behave like a dutiful son and a loyal subject."²⁸

Patel in the meanwhile, vigorously continued his efforts to establish communication links with Jammu and Kashmir. For construction of telephone and telegraph links from Pathankote in India to Jammu, eight wagons loaded with all the necessary materials had been despatched from Calcutta, but there were some difficulties of repairs of Railway bridges en-route in strife torn East Punjab. On 3rd October 1947, Rafi Ahmad Kidwai, Minister of Communications in Nehru's Cabinet, suggested to install a Wireless Transmitter at Jammu immediately, which would give Indian Government immediate connection with Kashmir

pending completion of Telegraph and Telephone lines. On 12 October 1947, Patel wrote to Batra, Dy. Prime Minister of Hari Singh's Government to make arrangements as he was sending his officers of Telegraph, Telephone and Roads to Madhopur (in Jammu Province) for a meeting on 19 October.

It was that terrible first fortnight of October 1947 when the strife torn Punjab was all ablaze, and its historical holocaust at its climax, that some of its ill effects in the form of violent communal outbursts percolated across its borders in to the Jammu province of Kashmir State. Some Hindu refugees from Sialkote and Gujrat (Pakistan) poured in to the Hindu majority border villages of Kathua, Samba, Ranbirsingpora and Jammu town. They brought with them, among other things, hatred for Muslims, vengeance and that heinous communal hysteria which had swept across whole of the Punjab at that time. Muslims were helpless because during Dogra rule they were not permitted to keep arms. According to the Arms Act of the State "Hindu Rajputs of the State, who had some connection/relationship with the Dynasty and tribe of Maharaja, were permitted to keep arms and Gunpowder."²⁹ They mostly belonged to Jammu Province. Initially some stray cases of killings, arson and loot, that were normal under that odd situation, started in the border areas where these refugees from Punjab had entered. There was, however, no communal uprising in Kashmir State at that time. When, however, the provisions of the Arms Act came in to play in Jammu Province in addition to the terror that had been unleashed by the State forces upon Muslims of the State, the situation worsened there. In Kashmir Valley, it may be pointed out, Dogras did not either exist or were negligible in number. There was, therefore absolutely no harm done to Hindus over there. Muslims had, per-se, revolted against perpetuation of the illegitimate Dogra rule in Kashmir. It was indeed a battle between perpetuation of alien rule and Freedom Struggle of the majority community. Opponents of Kashmir's Freedom Struggle gave a communal tinge to this situation, and falsely presented an illusive picture before the public by all possible means, in order that the real motive of the People's revolution was beguiled and impaired to a considerable extent.

With the establishment of a Provisional Government of Muslim Conference in Muzaffarabad, Muslims hoped that a turning point for the better was round the corner. War of Liberation gathered momentum. Dogra forces had wrought havoc on Muslims of the State. On 10 October 1947, London Times gave a news that "in one area 237,000 Muslims were wiped out in a well conceived manner except those people who escaped to Pakistan along the border. This massacre

of Muslims was done by Dogra Forces of the State and Maharaja was himself guiding (the operations)"³⁰

As already stated here-in-before more than 65000 soldiers of the State had been recruited in World War II during Ayyanger's premiership. Those soldiers of the State who were demobilized from the British Army after that war returned to their homes that lay mostly in the districts of Poonch, Mirpur and other areas of Jammu Province. They were trained enough to face any sort of eventuality. With the spread of Uprising against the Maharaja, they were constrained, not by religious affinities as much as by their resentment to atrocities and genocide committed by State Forces, to join the Kashmir Liberation Army. Again the Muslim section, though not of any substantial strength in the State Forces, were either removed for being reluctant to participate in quelling down the Revolt or left their services at their own and joined the Liberation Army. Problems of Hari Singh therefore grew further and became unwieldy and alarming.

While the War of Liberation in the State was in full swing, the key element in the Action Plan of Mr. Nehru, 'That Some Thing should be done before the end of October' gained momentum. Justice Mehrchand Mahajan wrote: "On the midnight of 10 October 1947, when I retired to bed an urgent telephone call came from Sardar Patel asking me why I was not proceeding to Srinagar and telling me that I should do so at once. I told him that I had received no orders from the Governor either about my leave or about the permission to serve elsewhere. It seems Sardar Patel immediately rang up the Governor asking him to grant me leave and permission to serve elsewhere. Sardar Patel again rang me up at about 1 A.M. in the morning asking me to come immediately to Delhi in the plane of Lord Mountbatten, who was in Amritsar that day. During the early hours of the morning, a telephone message came from the Governor granting me eight month's leave with permission to take up employment in the State w.e. from 10th October. It was followed by a telegram... Lady Mountbatten very graciously allowed me to travel with her in the plane to Delhi. I reached Delhi on 11th morning. There I called on Sardar Patel. Pandit Jawaharlal Nehru, Mahatma Gandhi and Lord Mountbatten... I had an hour's talk with Lord Mountbatten ... he said that as Governor General of India he would be very happy if I advised the Maharaja to accede to India. He asked me to see Mr. Menon in whom he had great confidence. He asked his A.D.C. to take me to Mr. Menon whom I found in company with the late Shayam Prasad Mukherji. Both of them advised me to bring about the accession of the State to India anyhow."³¹

Besides the top Indian leaders, involvement of Lord Mountbatten in this plot is noteworthy. Mountbatten had as early as on 20th June 1947 warned Maharaja Hari Singh that he (Maharaja) would end up being a battle field. Justice Mehrchand Mahajan was not therefore only to hold the reigns of administration as Prime Minister of Kashmir State, but was sent on a special mission by the Government of India to bring about the accession of the State to India anyhow. This obviously constituted flagrant violation of international norms and nullified all the claims of Indian Government that accession was a bonafide one. This clearly unravelled the ugly reality that Indian leaders wanted to usurp Kashmir anyhow. Mountbatten, however, must have been fulfilling his obligations to accomplish the British Policy Plans on Kashmir and future relations of India and Pakistan inter-se.

In order to fulfill his mission, Mahajan immediately flew to Srinagar on 12 October 1947. On the same day, Mr. Batra, the Deputy Prime Minister of Hari Singh's Government, then on a mission to Delhi for opening of alternative communications, said in an interview: "We intend to keep on friendly relations with both India and Pakistan. Despite constant rumours, we have no intention of joining either India or Pakistan, and the Maharaja and his government have decided that no decision of any kind will be made until there is peace in the plains. The only thing that will change the decision is if one side or the other decides to use force against us... The Maharaja has told me that his ambition is to make Kashmir the Switzerland of the East - a State that is completely neutral."³² Last sentence of this statement is, however, attributed to Maharaja, which shows that even at a stage when the State forces were squarely engaged in an armed revolt of the Muslim majority of the State, Maharaja's Plans of genocide of Muslims and creation of independent State under his autocratic rule, free of encumbrances and interferences from outside remained unchanged.

On 12 October 1947, the Government of Pakistan in a telegram to Government of Jammu and Kashmir stated that "as a result of the killing of Muslims in Kashmir by the State troops, feelings were rising in that particular section of the Pakistan Army which was recruited from Poonch. Another telegram on the same day complained of raids from Jammu in to Sialkot District... On 13 October, the Government of Pakistan in a Press Note maintained that families of the Poonch soldiers of the Pakistani Army were being attacked; and said that they took the gravest view of the situation."³³

It will be interesting to notice that while Mahajan

joined on 15 October 1947 as Prime Minister of Hari Singh's Government, the State forces flared up the situation in alarming proportions. A few hours after taking over his charge, Mahajan "issued a most provocative statement to the Press ...in which he praised the Indian leaders and Abdullah and denounced Pakistan in unstatesmanlike and unbecoming language. This statement ignited the explosive atmosphere. It was a battle cry and a challenge to self respect of the freedom lovers in the State. Incredibly enough with such pugnacious methods, Mahajan promised to make Kashmir the 'Switzerland of the East.'³⁴ Such a Press statement of the Congress Stalwart Mr. Mahajan must have, it is understood, emanated from his mixed feelings of (a) Purpose for which he was deputed by India i.e. Accession, and (b) Maharaja's desire to remain independent. The latter part of Mahjan's statement was similar to the one issued by Mr. Batra only two days before in Delhi. However on that very day Mahajan sent a telegram to British Prime Minister in which he stated: "People all along the border have been licensed and armed with modern weapons under the pretext of general policy which does not appear to have been followed in the case of internal districts of West Punjab. Whereas military escorts are made available for several other purposes none is provided for safe transit of petrol and other essentials of life. Protests merely elicit promises which are never implemented. As a result of obvious connivance of the Pakistan Government, the whole of the border from Gurdaspur side up to Gilgit is threatened with invasion which has actually begun in Poonch."³⁵

Inviting the attention of the British Government on what was said to be happening between the Government of Pakistan and Kashmir State clearly indicates that Maharaja at this critical juncture too was determined to remain independent. It is doubtful if British Government took any heed. It was, however alleged that by mid October 1947, all consignments of vital supplies like rock salt, kerosene, sugar and petrol from Pakistan to Kashmir were interrupted. The blockade, if it had at all occurred in the supplies from Pakistan to Kashmir, must have been as a result of disturbances in the Punjab, which were at their zenith at that time. Hari Singh's Government in Kashmir insisted Pakistan that the consignments be moved to Srinagar under military escort, but that was not done, most probably due to practical difficulties. Prime Minister of Pakistan instead suggested that the representatives of the two Governments meet and exchange views on the issue of supplies to Kashmir. Still Pakistan sent one responsible officer by name Colonel Shah to explain the position of Pakistan. Mahajan

says that Mr. Shah had talks with his Dy. Prime Minister Mr. Batra and outgoing Prime Minister General Janak Singh. He, however, told Mr. Shah "that the blockade must end and the lorries... stopped at Kohala and Sialkote should be allowed to proceed."³⁶ Mahajan, however, declined the invitation of Jinnah to have discussion on the question of accession. Mahajan wrote: "I was in no mood to present myself at Jinnah's Darbar in Lahore to discuss this or any other matter."³⁷ Pakistan leaders, however, said that the Prime Minister of Kashmir refused to have discussion with Colonel Shah and he returned.

Mr. Batra's letter dated 17 October 1947 to Sardar Patel read with Patel's letter dated 13 September 1947 addressed to his Defence Minister reveals that Lt. Col Kashmir Singh Katoch of the Indian Army joined as Commander-in-Chief of the State before 17 October 1947. While the armed revolt was going on in the State, the Kashmir Liberation Army had by then freed many an area of Muzaffarabad District and besieged some others. Rajouri Town was freed on 18 October 1947. Mr. Katoch was to make a study of the situation immediately and report. With the deputation of an army officer of Government of India to hold the command of State forces, intentions of Government of India were abundantly clear. It might be argued by some that Mr. Katoch's services were demanded by the State government when his father was the Prime Minister of Hari Singh's Government who desired to call back his son for being posted in a higher position. But if there was no hand of Mr. Batra and Sardar Patel in that proposal, why should have Patel insisted and prevailed upon his Defence Minister to spare Lt. Col. Katoch to Kashmir Government immediately. Patel had, it may be repeated here, written to him "You know the difficulties of the State and I feel that at this juncture it would be most useful to have an officer of our own Army as Commander-in-Chief of the Kashmir Forces."³⁸ The purpose in this posting was obviously to instigate Maharaja to continue hitting hard on the Revolt and Uprising under the close liaison with the Indian Government through Lt. Col Katoch and prevent the overthrow of Maharaja by the People till he gave up the vain idea of Independent Kashmir and signed the Instrument of Accession in favour of India under despondency, desperation and ultimate duress.

As stated loco-citato, a few thousand soldiers of Kashmir State origin in British Indian army, who had joined the same in World War II, had opted for joining Pakistan Army at the time of Partition of British India. Several thousand demobilized soldiers of World War II belonging to Jammu and Kashmir had joined the Kashmir Liberation

Army and were operating in different parts of the State. Soon after Mahajan and Lt. Col Katoch of Indian Army assumed their respective charge in the State, the battles between the People and the State forces touched new high. In consequence heavily populated Muslim areas along the borders contiguous to Pakistan suffered heavily. Pakistan Government repeatedly denied the allegations that they were in any way involved in this revolt. Their gainsaying had probably lesser credibility because the soldiers of Kashmiri origin in Pakistan army would not have remained silent spectators on getting the news that their families were killed, homes destroyed and properties looted by the State forces. These soldiers and/or their relatives inside Pakistan might have, it is believed, helped the Kashmir Liberation Army in acquiring arms and ammunition which they could either buy themselves for their affected relatives or help them in identifying the centres where these could be had in Tribal Areas along Durand Line, which areas enjoyed the treaty Rights with Pakistan Government at that time and were free to manufacture and sell arms in the open market.

As to the complaints of Mahajan that Pakistan did not provide military escorts for the safe transit of petrol and other essentials of life to Kashmir State, it was thereby admitted by him that transit was unsafe. The whole of Punjab was in the grip of turmoil and historical holocaust at that time. Road and rail traffic must have been seriously affected. On 15 October 1947, again Mahajan suggested to Pakistan that she should agree to hold an Impartial Enquiry in to the charges made by the State Government against Pakistan. If the suggestion for Impartial Enquiry was not acceptable to Pakistan, the State Government would be constrained to call for assistance from outside to face the aggressive and unfriendly actions along the border. On 18 October, the Maharaja sent a telegram to Governor General of Pakistan repeating all previous charges and threatening that the State would call for military aid from outside in case Pakistan refused to accept the proposal of Impartial Enquiry. Naturally Mahajan was on his Job that had been entrusted to him by Indian leaders. "To this Jinnah replied on 20 October, protesting against the tone and language of the communication and ascribed the delay in the despatch of essential supplies to the 'widespread disturbances' in East Punjab and the disruption of communications caused thereby particularly by the shortage of coal."³⁹ It also said that "there was mounting evidence of ruthless oppression of Muslims in Kashmir and of raids in to Pakistan's territory by armed Dogra gangs. It complained of the Muslims being driven out of Kashmir, and ... charged Kashmir of an attempt to

join Indian Dominion as a coup d'etat."⁴⁰ It further added: "this sort of a policy is naturally creating deep anger and serious doubts among your subjects among whom 85% are Muslim. There is now a dire need of the suggestion put forth by my Government to have a meeting with your authorized representative."⁴¹

On 18 October 1947, Mahajan also sent a letter to the Prime Minister of India requesting him to despatch essential commodities and other forms of assistance to Jammu and Kashmir. Nehru in his reply dated 20 October 1947 replied that these commodities were in short supply. Still the Government of India would help to the extent possible. Regarding other forms of assistance, which obviously included arms, ammunition and military aid, he said that such assistance shall depend on the circumstances and for that the Prime Minister of the State shall have close liaison with Government of India. Nehru, however, added "That no coercion should be exercised on Kashmir State and its people, and they should be allowed to function in their own way and to make such decisions as they think fit and proper."⁴² This obviously implied the coercion from Pakistan on Hari Singh's Government in particular, for the question of Pakistan coercing the People did not arise, for that country supported the uprising and revolution launched by the majority community against Maharaja. It is noteworthy that Nehru's letter referred to above is conspicuous by its omission of the oppressive measures that had been leached out by the State forces on its people.

The enormity of the killings of Muslims in the State by the Dogra forces at this juncture, appeared in many a Press and Publication. Congress Stalwart Mehrchand Mahajan has, however, half way admitted and half way justified the killings of Muslims by State forces. He wrote: "According to one version, the State forces killed a large number of people than was necessary to allay the trouble, and this caused resentment among the Muslim population. According to another version they only did what in those circumstances was necessary ... The troops were themselves besieged and confined to the three areas of Bagh, Rawalkote and Poonch."⁴³ I.N.Stephans, who was editor of Daily Statesman at Calcutta wrote: "With similar organised genocide as had been made earlier in East Punjab, Patiala and Kapurthalla, about five lakh Muslim Population was uprooted from Jammu and Kashmir in eleven weeks time from August (1947). Two lakhs were wiped out in such a way that even their traces were not found. Either they were killed and/or died of epidemics and heat/cold. Remaining saved their lives by fleeing to West Punjab in helpless condition."⁴⁴

These Press reports of those times bear sufficient witness to the fact that Muslims of Kashmir State and Maharaja were heavily engaged in a battle inter-se, which obviously meant that people strongly believed Maharaja Hari Singh's title to rule had ended with the lapse of Treaty of Amritsar on 15 August that year and his continued stay as such was fought against.

At that stage, it is natural, that the plight of refugees of the State must have roused the feelings of Muslims of Punjab in general and of those Kashmiri soldiers in Pakistan army in particular, whose families had been uprooted in areas of Poonch, Mirpur, Kotli and other areas of the State. If this section of the affected population of the State in Pakistan helped their brethren and/or their kith and kin at that grave event of disaster, it was understandable. But how about the sudden intervention of the tribesmen of Frontier Province in the State! Since this tribal intervention was termed as 'invasion' and/or 'Raid' from Pakistan on Kashmir by Maharaja and the Government of India and it became a bone of contention; this aspect of the Kashmir Problem has been studied and discussed here in some depth.

Provisional Government of Azad Kashmir established from 4th October 1947 at Muzaffarabad had started to function both in the Civil and Military spheres. Azad (Liberation) armies had been raised. Thousands of demobilized soldiers of World War II had joined the Kashmir Liberation Army. Tribesmen infiltrated in to the State on 22nd October 1947. They came from Dhir and Chitral and from other tribal areas of Trans-border region (ancient Gandhara) of the North West Frontier of Pakistan. "The State Battalion consisting of Muslims and (Hindu) Dogras stationed at Muzaffarabad, was commanded by Lt. Colonel Narain Singh. All the Muslims in the battalion deserted, (and) shot the commanding officer and his adjutant."⁴⁵ They also joined Kashmir Liberation Army. The strength of the Kashmir Liberation Army therefore grew further. Supported by the Muslim majority of the State and active participation of the deserted soldiers of Hari Singh's Government and more than 60,000 demobilized Muslim soldiers of World War II, Kashmir Liberation Army was strong enough to defeat the State forces. V.P. Menon wrote that tribesmen who infiltrated in Kashmir numbered 5000. Against the total strength of about 70,000 to one lakh soldiers in the Kashmir Liberation Army, addition of 5000 tribesmen was not significant. With a definite purpose to hoodwink the general public in India and complicate the simple issue of 'Freedom Struggle' of the local population in to, what India called 'Raid' from Pakistan on Kashmir, information media of Government of India was

geared up, to exaggerate this small component of tribesmen and push in to oblivion the existence of local forces of Liberation Army who had almost routed the State forces on many fronts by then.

Whether the tribesmen were moved by the plight and sufferings of their co-religionists in Kashmir that they came to their rescue or were instigated by any interested Party was not known. The interested Party could be Pakistan or India or Afghanistan or defeated Nationalist leaders of North West Frontier Province in collaboration with Congress Party of India or some other foreign country.

During British rule over India, Britain had almost unilaterally fixed, under their colonial contrivances, the territories of British India and Kashmir on the north under the Plan that was called Durrand Line. This line, according to Afghanistan and China had enveloped some territories of Afghanistan and Tibet in North West Frontier Province and Ladakh respectively. Afghanistan was therefore averse to the Partition Plan of India, for it gave full control to Pakistan over the entire territories of North West frontier Province, a part whereof Afghanistan claimed to be her territory, ignoring the decision of the people who opted to remain with Pakistan when plebiscite was held over there.

Ever since the creation of Pakistan, Afghanistan, however, remained at daggers drawn with its Muslim neighbour Pakistan and joined hands with India in almost all international matters at the cost of its own prosperity. That fact leads one to think that collaboration of Afghanistan Government with the nationalist leaders of North West Frontier Province and India over the Kashmir Issue in one way or the other was possible. Britain's last Governor of the Frontier Province Sir Olaf Caroe had predicted the agents of King of Afghanistan were already arousing the tribes seeking their support for the expansion of his kingdom to Peshawar and the banks of Indus. The close associate of Nehru, Khan Gaffar Khan and his party had been defeated in the Frontier Province. Dr. Khan believed to be his close relative was the Chief Minister of the Province at that time. One eminent writer by name Mr. Mohmad Amin later revealed in his article 'BISMILLAH' in a Daily 'Alsafa' of 30 January 1991 that, "Accession of the State of Kashmir with India was a total fraud. Indian army was in the (Kashmir) State immediately after tribal invasion was engineered by J.L. Nehru with his cohorts, the Khan brothers of the Frontier Province to force Maharaja Hari Singh to sign the Instrument of Accession with India and ask for Military Aid. Indian

army was in the State two days before this. Maharaja was threatened that if he did not do that he would be arrested and taken to Delhi. Before this, Gandhi's and other's persuasion to Maharaja to accede to India had met with a dismal failure. In face of this threat and presence of Indian army in Kashmir he had no option but to comply and ask for (Military) aid."

The Dy. Prime Minister of India Sardar Patel was, at that event very active in his effort to bring about annexation of the State with India. In his letter dated 21 October 1947, (i.e. the day tribesmen marched towards Kashmir) he advised Mr. Mahajan to woo the supporters of Sheikh Abdullah and "safeguard his position without in any way jeopardizing that of the Maharaja."⁴⁶ That way Maharaja would be buttressed by National Conference and Hindu minority. On his part Patel repeated his assurances of Indian aid saying: "We on our part have pledged to give you the maximum support and we will do so."⁴⁷ Further Mr. Patel mentioned the names of Bakshi Tek Chand (a former Judge) and Dewan Shiv Saran Lal a former Dy. Commissioner of Dera Ismail Khan of North Frontier Province. These two gentlemen had, in fact, no locus standi in the internal affairs of Kashmir. Again as stated by Patel, Dewan Shiv Saran Lal had come to Delhi from Frontier Province in those very days. As the infiltration of tribesmen of Frontier Province followed simultaneously with the issue of this letter, in what way was Shiv Saran Lal, the former Dy. Commissioner of North West Frontier Province connected with Kashmir Affairs in the nick of time and what role he played in this drama was not, however made known.

Another noteworthy development that affected India Pakistan relations at that juncture was that on the same date i.e. "On 21 October 1947, Government Of India decided that Mangrol and Babariawad (claimed by Pakistan as parts of Junagadh State) would have to be occupied (by force). A plan was drawn up and finally approved on 25 October."⁴⁸ The game of bringing the two countries at the brink of disaster was moving well apace during the brief period Lord Mountbatten remained as Governor General of India. His threatening to Maharaja of Kashmir that he would end up being a battle field was soon to become a reality before Mountbatten's departure from the sub-continent.

Larry Collins and Dominique have in their book thrown some light on tribal infiltration of 1947 in Kashmir. They write: "...in Mid September Liaquat Ali Khan convened a secret meeting of a select group of collaborators in Lahore to decide how to force the Maharaja's hand

... Col. Akbar Khan... proposed that Pakistan supply the arms and money to foment an uprising of Kashmiri's dissident Moslem population... The second alternative was sponsored by the Chief Minister of the Frontier Province. It involved ...the Pathan tribesmen of the North Frontier... Sending those dangerous hordes to Srinagar had considerable appeal. It would force the swift fall of the Maharaja and the annexation of his State to Pakistan."⁴⁹ When the tribal march to Kashmir actually began, Sir George Cunningham, the then Governor of Frontier Province contacted on telephone his British colleague Sir Frank Messervy, the then Commander-in-Chief of Pakistan. Later told him, "I can assure you I am opposed to any such idea ...and the Prime Minister (Liaquat Ali) has personally given me his assurances he is too"... Messervy called on Liaquat Ali Khan a few hours later on his way to London 'to purchase arms to replace those India had failed to deliver.' Liaquat Ali Khan reassured the commander of his army that 'Pakistan would never tolerate such an action. He would immediately contact the Chief Minister of the Province and order him to stop his outrageous action.'⁵⁰ These observations of Larry Collins convey that the Chief Minister of the Frontier Province, believed to have been a close relative of Congress stalwart Gaffar Khan, was involved in this sort of action.

"On October 23, British trucks and jeeps of the Pakistan army loaded with some 5000 armed Pathan Afridi, Waziri and Mahsud tribesmen of North West Frontier crossed the Kashmir border and headed east along the Muzaffarabad - Baramulla road that led to Srinagar itself. That 'invasion' of Kashmir from Pakistan would long be called by Pakistan a purely 'volunteer' action undertaken 'spontaneously' by irate 'tribals' rushing to the aid of oppressed Muslim brothers. But the trucks, petrol and drivers were hardly standard tribal equipment and British officers as well as Pakistani officials all along the northern Pakistan route they traversed, knew and supported, even if they did not actually organize or instigate that violent October operation..."⁵¹ Arrangement and supply of army vehicles, petrol and drivers for trans-shipment of tribesmen of course constituted instigation of tribal action, which squarely places the onus on the Commander-in-Chief of Pakistan Sir Frank Messervy a British General. If he managed to escape the responsibility and proceeded to London for purchase of arms at that event or was actually ordered to do so by Liaquat Ali Khan, yet again another British Major General Douglas Gracy, who took over from him appears to be responsible for supplying military vehicles for trans-shipment of the tribesmen. At the other end Mountbatten, the Governor

General and Auchinleck, the Commander-in-Chief of India were both British and held responsibility of all matters of political and military importance.

One more probability that Pakistan might have seriously viewed the appointments of Mahajan and Katoch as the Prime Minister and Commander-in-Chief of Kashmir as a prelude to Hindu Maharaja's joining India against the wishes of the Muslim majority. In that case it was also most likely that the Stubborn Maharaja would have opted for a treaty of Association with India instead of Accession, for he had been pressing India all along the conflict with the Kashmir Liberation Army to provide arms aid, which India had promised to supply. The timing of tribal infiltration in to the State in fact meant giving Maharaja in the lap of India and lose Kashmir, which Pakistan would ill afford to opt for.

This issue of Tribal infiltration has also been commented upon by Chaudri Mohmad Ali, the then Cabinet Minister of Pakistan. He wrote: "The news of brutal oppression of Muslims of Kashmir by Maharaja's Government had reached the tribal areas through those (Kashmiri) refugees and demobilized soldiers of Poonch who had gone there to purchase arms. Feelings/emotions of tribesmen had been enraged already by the massacre of Muslims in East Punjab. Now they thought it as their sacred duty to wage holy war (Jehad) in Kashmir. On 21 October Liaquat Ali Khan in a state of unusual embarrassment told me that some thousands of Tribal force have left for Kashmir. I asked him, "Have you informed Qaid-i-Azam (Jinnah)". He said, "Not till now". He had himself got the information just at that time. If any attempt was made to prevent the tribals to stop doing so, which they thought was their sacred duty, the entire Frontier territory would be ablaze. Pakistan army was neither organised completely nor properly armed. The heavy responsibility that the inflow of lakhs of refugees had placed on Pakistan army could hardly be sustained by it."⁵²

Treaty rights and agreements of Tribal areas had not lapsed in the same manner as had lapsed for other States of India with the lapse of British paramountcy. Pakistan, at that given point of time, was not in a position to interfere in any way with the affairs of tribal areas. Liaquat or for that matter, Jinnah was not in a position to help save the situation and prevent tribesmen from marching towards Kashmir. "Jinnah, in two statements issued in July and August 1947 (had) clarified the new Pakistan policies. On 31 July 1947 he said, "As regards the tribal areas, I am very happy to acknowledge the great support they have freely given to their fellow

Muslims in their demand for their own independent State. I wish to assure them on behalf of the Provisional government of Pakistan that we would like to continue after August 15 (1947) all the treaties, agreements and allowances until such time as the representatives of the tribes and the Pakistani Government have met and negotiated new agreements... The Government of Pakistan have no desire whatsoever to interfere in any way with the traditional independence of the tribal areas... In August (1947) he repeated the offer."⁵³

Bonafides of the Pakistan Government that the tribal region was not governed by Pakistan laws, and that Pakistan Government could not interfere with their business were later admitted to be true by an Indian Journalist in 1989 - 42 years after Nehru blamed Pakistan's involvement in this tribal episode. Shekhar Gupta visited Derra Adam Khel and gave details of the tribal activities in the news magazine 'India Today of July 31, 1989 issue', some excerpts whereof are reproduced as under:

"Just 50 K.M. south of the Pakistani frontier city of Peshawar, in an area governed by tribal laws, lies the world's most unusual arms bazar frequented by the subcontinent's extremists. Here lethal weapons sell openly alongside narcotics... 'A police post short of the town warns the visitor that he is entering tribal region at his own risk, governed not by Pakistani laws but by age-old tribal laws and Pukhtunwali.'

'The town... consisting of more than a dozen mini shopping plazas ...sell every lethal weapon any individual or private army could ask for as openly as shoes and toiletries would be sold elsewhere in the world...'... 'Since the area is governed by tribal laws, the Pakistan Government does not interfere with the business which has prospered through at least a century and a half'... 'This is the ultimate arms bazar. No one asks the buyer's name or intentions. What matters is the bulge in the pocket'... 'The tribals are fiercely proud of their 'freedom' and despite international pressures Pakistani regimes have refused to curb their business."⁵⁴

Besides such an abnormal constraint against Pakistan Government, it is a known fact that Pakistan had taken a stand that Princes could decide accession of their States. It would obviously be unwise and in fact detrimental to Pakistan to tether Maharaja by tribal invasion and run a risk of his signing the instrument of accession in favour of India. Again even if Liaquat Ali Khan had planned to supply arms to Liberation Army of Azad Kashmir

and had sent his Commander-in-Chief Messervy for purchasing arms from abroad for that very purpose in last week of October 1947, it would obviously take not less than a month or two to procure them. By that time the Winter would have set in Kashmir, when India would be unable to come to the rescue of Hindu Maharaja by air and by road. Therefore Pakistan could not be in hot haste and jump in to fray through tribal infiltration in the month of October, when India could easily counteract. If it was a matter of hot haste, India was seriously interested. Nehru had in his letter of 27 September directed that it was important (to India) that something was done before the Winter conditions set in. He fixed the time for that action as the end of October. Exactly the things were going that way. However, "the moment the news was aired to Mr. Nehru, the Governor General (Mountbatten) was to discover another Nehru on Kashmir issue. "As Calais was written upon the heart of your Queen Marry" Nehru would cry out to him one day to explain his attitude, "so Kashmir is written upon mine."⁵⁵ Infiltration of tribesmen in to Kashmir was therefore very much congruous to Mr. Nehru's Plans for annexation of Kashmir with India. The stubborn Maharaja could now be pushed in to an unsafe corner where his hand would be forced to sign the instrument of accession in favour of India. It was not that difficult now.

However, whichever agency and design instigated the tribesmen, on their arrival in the State, they joined the Kashmir Liberation Army. Many of the Maharaja's troops had already been besieged by the revolutionaries in the areas of Bagh, Rawalkote and Poonch. Due to desertion of Muslim soldiers of Maharaja's forces and their joining with the demobilized soldiers of Poonch and Mirpur had already raised Kashmir Liberation Army from strength to strength. Arrival of tribesmen however gave a boost to their strength and added fuel to the fire. The situation took a violent turn. Kashmir Liberation Army captured all the remaining areas of Muzaffarabad District and Chinori in quick succession by 23 October 1947. People's uprising in the State touched new high instantaneously, which was most unduly dubbed as 'Raid' by the Mahajan's Government and information media of India. Simultaneously on 24 October 1947, another Muslim Conference leader Sardar Ibrahiem Khan, who was next in position to Chaudri Abbas, assumed the charge of Azad Kashmir Government and a new life was enthused in the rank and file of Civil and Military functions. Besides himself there were Syed Ali Ahmad Shah, Chaudri Abdullah Khan Balkh, Khawja Gulam Din Wani, Syed Nazir Hussain Shah and Sanaullah Shah on his Cabinet.

Azad Kashmir Government then ordered its Liberation Army to proceed towards Srinagar along Jhelum Valley road. They met a stiff resistance of the State forces at a place known as Boniyar, where the Chief of Staff of the Dogra Army and his forces engaged the Liberation Army in a grim battle. The Chief of the Staff was killed along with many a soldier. On 24 October Liberation Army captured Uri Town and marched onward and reached Mahora, where they pounced on the only power station the Kashmir Valley had at that time. Thus a complete blackout occurred in Kashmir Province instantaneously. Maharaja and his Hindu Government was shaken. Liberation Army then moved onwards and captured Baramulla town 54 K.M. away from Srinagar without much resistance. That point onwards one column of Liberation Army moved in the direction of Bandipora and another towards Srinagar. By 26 October 1947, they captured all the areas of Kashmir Valley on North and West sides and reached the suburbs of Srinagar - the summer capital of the State. In the Jammu Province Liberation Army captured all border towns including Mirpur, Bhimber and Rajouri. Poonch town was besieged. Maharaja was in tears when they captured Deva and Batala. Secret of their victories lay in the fact that whichever place they reached, freedom loving Muslims helped them all through.

Tribesmen possessed higher degree of valiance, but they were irregulars and knew only rudimentary skills of warfare. On the other hand the heavy component of Liberation Army consisting of demobilized soldiers of World War II and deserted soldiers of the State were skillful and disciplined. They would strike in the direction and manner they were ordered to do. The differential in qualitative military skill affected in due proportion the coordination element of the combined armies of Azad Kashmir Government. Besides, the tribesmen misconstrued the spoils of war as the moveable properties of non-Muslims. They looted the Hindu Bazars of Muzaffarabad and Baramulla indiscriminately. During the brief and severe operation of 5 days (22 October to 26 October), the microscopic minority of non-Muslims living in villages and towns along Jhelum Valley road from Muzaffarabad to Srinagar mostly fled and disappeared in the hills. Those who were caught got killed. Among Muslims, however, a few local leaders of National Conference by name Master Abdul Aziz of Muzaffarabad and Maqbool Shirwani of Baramulla, who were caught helping the machinations of the Dogra Government, were killed by the Liberation Army. The latter had previously attempted to disturb the public meeting which Jinnah had addressed in 1944 on his way back from Kashmir.

The Prime Minister of Hari Singh's Government Mr. Mahajan, at this juncture wrote two letters to Patel on 23 October 1947 - one from Srinagar and another from Jammu. In the one from Srinagar he wrote to Patel that "Particularly the whole of our Muslim military and police has either deserted or has not behaved in the proper manner. The help that you kindly promised has not arrived and we are surrounded on all sides. You will agree with me that it is hardly the time to think of any constitutional issues. As soon as I get some breathing time I will come to you and discuss these matters. All I pray is that kindly implement the promise you made for sending equipment to us but which has not so far arrived."⁵⁶ In another letter from Jammu Mahajan repeated, "that we have not yet received the assistance that was promised and the situation is worsening every day. I am sure that on receipt of this letter you will kindly see that the equipment required by us is flown to Srinagar immediately."⁵⁷ This shows the degree of embarrassment that was caused in the rank and file of the so-called State Government by the People's Liberation armies at that event. Maharaja was thus pushed in to a state of desperation and despondency.

On 24 October evening, the Indian Government, it is said, received the news of tribal infiltration in Kashmir State through a special telephone line that continued to exist even after complete breakdown of law and order and disruption of communication systems in riot torn Punjab. The line connected Rawalpindi 1704 with New Delhi 3017. "Those were private numbers of Commander-in-Chiefs of Pakistani and Indian Armies. They were (both) British."⁵⁸ It is most amazing that secret exchanges could take place between British Generals, but the leaders of India and Pakistan could not communicate inter-se. They claimed to be the towering personalities and apostles of Peace and Amity, but in the true sense of the word they were not. They utterly failed to build 'entente cordiale' ab initio, which in turn had far reaching implications on the peoples of the sub-continent as a whole.

Douglas Gracy, who had taken over the charge of Commander-in-Chief of Pakistan from General Messervy, contacted on phone his colleague Lt. Gen. Sig. Rob Lockhart of Indian Army and apprised him, inter alia, of the developments at his end. The latter in turn passed the message on to his colleagues - both English: the Governor General Lord Mountbatten and Field Marshal Auchinleck the supreme Commander of Indian forces. Mountbatten apprised Nehru.

Auchinleck suggested Mountbatten to send a brigade of British troops to Srinagar for evacuation of British

nationals from there. Mountbatten declined to accept and told him that military intervention in Kashmir, if any, would have to be by Indian and not by British forces. Instead a B.O.A.C plane was arranged for evacuation of British nationals from Srinagar.

Let us now examine the bonafides of Indian claim of accession of Kashmir. Mahajan says that "On 24 October, the Dy. Prime Minister (Mr. Batra) left Srinagar for Delhi carrying a letter of accession to India from the Maharaja and a personal letter to Pandit Jawaharlal Nehru and another to Sardar Patel asking for help in men, arms and ammunition."⁵⁹ At another point, in his book 'Looking Back', Mahajan however says that it was a 'letter proposing accession'. Against this, the Secretary of States Govt. of India Mr. V.P.Menon says that "On the evening of 24 October, the Govt. of India received a desperate appeal for help from the Maharaja."⁶⁰ Desperate appeal naturally meant arms aid that had been promised to him. This is proved by the fact that "A meeting of the Defence Committee held in New Delhi on 25 October under the chairmanship of Lord Mountbatten, considered the Maharaja's request for supply of arms and ammunition. The Cabinet felt that it could not send troops to Kashmir unless the State acceded to India."⁶¹ It may be recalled here that Maharaja had requisitioned arms and ammunition early in September through the Resident and on 1st October through Mr. Ahuja special messenger posted by Patel. Time and again Maharaja had been given assurances of such aid without any strings by Sardar Patel. Time was now ripe when the defeated Maharaja would in a state of desperation and despondency easily succumb for his own safety to India's desire for having his signature on the instrument of accession. Therefore "V.P.Menon, Secretary of the States Ministry was sent to Srinagar to explain the position to the Maharaja."⁶² Accompanied by Army and Air Force officers and by a Kashmiri Hindu D.N. Kachru, Mr. Menon flew to Srinagar on the afternoon of 25 October 1947, by the same B.O.A.C. Plane which had been chartered for evacuation of British nationals from Srinagar. Active collaboration of the Kashmiri Hindu in helping annexation of Kashmir State with India refreshed the memory of another Kashmiri Hindu Bhirbal Dhar who helped Ranjit Singh in annexing Kashmir with his Sikh Kingdom in 1819.

"The storm finally broke on 25 October that year"⁶³ wrote the son of Maharaja Hari Singh. In his letter dated 25 October 1947 addressed to Patel, Mountbatten, inter alia, wrote: "There are now rumours that tribesmen from Dir and Chitral may be advancing on Srinagar. There are reports that villages in Jammu have been attacked by non-Muslims, and there are rumours that Muslim villages across the

border have now been attacked by non-Muslim crowds, who are said to have been supported by State troops and police. As General Rees obtained this information on a confidential basis I would be glad if you would keep this to yourself."⁶⁴ That showed which way the wind was blowing. Besides other implications, this statement of the head of Indian Dominion tantamounts to plain admission of the fact that there was a confrontation between Hindu Maharaja and Muslim majority of the State. Further it proves that the State forces under the command of Lt.Col Katoch, who it may be recalled, had been deputed by the Dy.Prime Minister of India to Kashmir early, were operating and fomenting trouble inside Pakistan territory on 25 October when the storm finally broke.

Again on that very fateful day, the Government of India hurriedly approved the Plan for occupation of Mangrol and Babariawad by force. Besides, the three British officers of Indian army simultaneously issued orders to an infantry Battalion to prepare itself to be flown to Srinagar. This was obviously in anticipation of Hari Singh's signing the instrument of accession. In the evening of that day, however, the condition of Maharaja, in particular, must have been very bad. His life was in fact in danger. In that dejected and pallid condition he would, obviously go to any quarter and beg for his safety. "To quote... R.C.Mahajan: "We had decided by the 25th evening to go to India if we could get a plane, or else go to Pakistan for surrender. Kabul was suggested by some as a neighbour who may possibly lend a helping hand. Luckily, at this crucial moment Mr. Menon arrived, with a message that "Govt. of India was not in a position to come to his rescue and give him (Hari Singh) arms, ammunition and military aid unless he signed the instrument of accession."⁶⁵ This must have shocked Maharaja, for he had all along the people's uprising in the State, been assured of unstinted support and arms aid by Sardar Patel, the Dy. Prime Minister of India. At no occasion in the past had Govt. Of India attached such a condition with their assurances of arms aid. Had that been so, in every probability Maharaja would have patched up with the populace and armed revolutionaries, released the leaders of Muslim Conference from Jails and tried for a viable alternative to accession - probably a treaty of Friendship or Association with both India and Pakistan, as had Nawab of Hyderabad proposed with India for his State at that juncture. That he would have done in his State interest. Now at the eleventh hour, he was placed on the horns of dilemma. At this crucial juncture too Hari Singh did not agree to sign the instrument of accession. Nor did he fly with Mr. V.P. Menon to New Delhi for any discussion on the subject. That shows he became much

angry on the suggestion of Govt. of India to give up the idea of being independent head of Kashmir.

"The Maharaja was now aghast at what he had done. He saw power and the crown tumbling down before his eyes. Even his life was in peril."⁶⁶ The terror stricken Maharaja might have been reluctant to leave the throne and run away, but he had, willy-nilly, to do so and flee from Kashmir Valley to a place where his Dogra Hindu population preponderated viz Jammu town. His Prime Minister Mahajan wrote: "he was persuaded to leave Srinagar at about 2 A.M. on the 26th (October) morning."⁶⁷ Bazaz wrote: "To save himself and all the movable wealth in his palace he loaded ...about a hundred motor lorries with precious goods and left Kashmir for Jammu... It is interesting to note that the Maharaja managed to carry the idol of his family temple, the Gadadhar with him."⁶⁸ Sheikh Abdullah alleged that Hari Singh fled from the capital city with more than one hundred motor vehicles loaded with jewellery and other precious wealth. He also carried with him golden idol of his family temple-Gadhadar. Hari Singh, however, at a later stage in April 1948 wrote to Patel in this behalf and asserted that he had reluctantly left Srinagar for Jammu at the instance of Mr. Menon. He denied the allegation that Truck loads of belongings were removed by him. He, however, admitted: "that some lorries carrying families of those officers who had already moved to Jammu on Government work and families of servants followed me. I felt morally responsible to afford transport facilities to these families."⁶⁹ This statement could not be obviously correct because Maharaja had altogether a different position one year after this episode and he was giving replies to allegations of Abdullah to Govt.of India at that time.

However, "the news of Maharaja's flight spread in the Kashmir Valley like wild fire... At the first touch the Kashmir revolution had torn the treaty of Amritsar to pieces; the will of the people had almost triumphed; the Dogra Raj (rule) had ended; the Maharaja had been made to quit."⁷⁰ This point was well confirmed by Hari Singh himself. His son Dr.Karan Singh stated: "When the next evening he (Maharaja Hari Singh) finally reached Jammu and pulled up at the palace he uttered but one sentence - 'We have lost Kashmir.'⁷¹ That meant Hari Singh conceded having lost control over Kashmir. Besides Kashmir Province, Hari Singh's forces had by then conceded Northern areas and Ladakh to Kashmir Liberation Army. Muzaffarabad, Mirpur, Bhimber, Rajouri, all border areas around Poonch town had been taken over by the Liberation Army by that time. Poonch town had been

besieged. Dr.Karan Singh affirmed that, "Although maintaining outward composure, with news of each reverse my father would wince inwardly as if something had died within him."⁷² That naturally meant that Maharaja had lost major portion (about 80%) of the territory of Jammu and Kashmir by 26 October 1947 - the day he fled from the Capital of his so-called State. The persona non-grata (Hari Singh) was therefore in a state of absolute decampment on 26 October 1947. In such a weak position could his signing of any documents of accession with India hold good? Since this issue affected millions of the then voiceless people of Kashmir and remained a case of Human Rights per-se, it becomes imperative to probe deeper whether the Indian claim on Kashmir stood the test of reason or was merely a jugglery to hoodwink the opinion of the freedom loving peoples of the world.

On 25 October 1947 evening Mr. V.P.Menon apprised Hari Singh that supply of arms, ammunition and/or military aid (that was long awaited) was now subject to his signing of the instrument of accession. In every probability Hari Singh did not see eye to eye with that sort of a proposition. This fact is inferred from the fact that Menon wrote: "Just as I was going to sleep, Mahajan rang me up to say that there were rumours that the raiders had infiltrated in to Srinagar and that it would be unsafe for us to remain any longer in the city... The Maharaja had taken away all the available cars and the only transport available was an old Jeep. In to this were bundled Mahajan, myself and the air crew of six or seven. When we reached the air field, the place was filled with people... We left Srinagar on the first light of the morning of 26 October"⁷³ for New Delhi.

This shows that the car allotted to the State Guest Mr.V.P.Menon at the State Guest House as well as the one attached to the Prime Minister of Hari Singh's Government Mr. Mahajan had been withdrawn. Transport facility to the Secretary of States Government of India (V.I.P. at that critical juncture) and to the Prime Minister could only be withdrawn by Maharaja Hari Singh himself. On this occasion Maharaja, as asserted by him, had taken care of his officers, servants and their families and provided them transport from Srinagar to Jammu. He was therefore compos mentis. Withdrawal of transport facility to his Prime Minister and Secretary of the States Government of India at the time when the Liberation army and tribesmen had entered Srinagar and had reached very close to the airport, and when there was every risk of their lives, can not obviously be viewed lightly, particularly in the context of future relations of Hari Singh with India. In every probability it implies that protocol under which

Mahajan had been appointed as Prime Minister by Hari Singh a fortnight back had ended and Mahajan had been divested of his authority, for his car had been withdrawn and he had to bundle himself with Mr. Menon and air crew of six or seven in some old jeep. It also proves that Mahajan's control as Prime Minister of Hari Singh's Government over the administrative machinery of the State including the State Garages had collapsed. This development also suggests in-depth study of the roles of Mr. Menon and Mahajan that followed vis-a-vis annexation of the State by India.

How about Sheikh Abdullah - leader of the Indian claimed popular party, National Conference? His life was also in peril, for he had all along opposed Muslim Conference political party of the State, which spearheaded the revolution. Abdullah had shifted his family from Srinagar to New Delhi much earlier than Hari Singh's flight. About his own flight from Srinagar he wrote: "One night, it happened that I was asleep in my own headquarter at Ragina hotel (at Srinagar) that I got a message at about 1 A.M. from Badami Bagh Army Headquarters that the tribals were to enter Srinagar this night and they would straightway proceed towards my headquarter. Therefore I should leave for some other place. I had to go to Delhi early in the morning. V.P. Menon, who had come to advise Maharaja, that he should leave Srinagar, too had to go with me. I set out of my headquarter in the night. We took cover in the backyard of A.K. Watal's (a Kashmiri Hindu) house located on the Airport road. Shortly after there came a terrific sound of an explosion from the close proximity... Perhaps it was the tire burst of some vehicle... Next morning I proceeded for Delhi by air."⁷⁴ Whatever the expediency of Abdullah in not revealing the date of his flight, if it was true that he was to leave with Menon he flew to New Delhi on 26 October morning and sought refuge in Nehru's house and became a fugitive. But Mahajan wrote that "Sheikh Abdullah had quietly taken a plane to Delhi on the 25th evening."⁷⁵

While, however, Hari Singh was on his way to Jammu on 26 October, feverish developments took place in New Delhi in the direction of accomplishment of the Action Plan for annexation of Kashmir with India. On arrival in New Delhi, Mahajan drove to Prime Minister's house, where he found Nehru and Sardar Patel. He apprised them of the situation in Kashmir as also the reactions of Maharaja on their suggestion of accession. Maharaja was first interested in arms aid. A situation had reached where he was also in need of military aid without any strings. When Nehru showed his reluctance to help sending troops 'on the spur of the moment ... merely on his demand',

Mahajan as a last resort said, "Give us the military force we need. Take the accession and give whatever power you desire to the popular party."⁷⁶ Further Mahajan wrote: "When I told the Prime Minister of India that I had orders to go to Pakistan in case immediate aid was not given, he naturally became upset and in angry tone said, 'Mahajan, go away' I got up and was about to leave the room when Sardar Patel detained me by saying in my ear, 'Of course Mahajan you are not going to Pakistan.'"⁷⁷ True, Mahajan couldn't go to Pakistan. He was on the establishment of East Punjab Government where he had taken leave for 8 months and had been "relieved for Kashmir for strategic and tactical reasons,"⁷⁸ at the instance of Sardar Patel. However Mahajan further wrote: "Just then a piece of paper was passed over to the Prime Minister. He read it and in a loud voice said, 'Sheikh Sahib also says the same thing.'"⁷⁹

Whereas it is understandable that Nehru and Patel were the top leaders of India and Menon and Mahajan were on the regular establishment of Indian Government, they all had the propensity of annexing Kashmir with India; but with Nehru's Sheikh Sahib there was no other course left except to boastfully toe the Indian line of thought for annexation of Kashmir with India. M.C. Mahajan's talk with Nehru at this occasion, inter alia, reflected that Mr. Mahajan and Nehru both were infuriated. If Maharaja would have offered to accede to India, there was obviously no reason for either of them to get upset or angry on each other. Clubbing the infuriated tone of the talk of Nehru and Mahajan with the withdrawal of the transport facility by Maharaja to M.C. Mahajan and Menon, it tells of a different story altogether. It strengthens the idea that Maharaja was only insisting on the military aid without strings as had been promised to him for the past two months during the confrontation of his forces with revolutionaries. This, however, has been analyzed further hereinafter.

Mahajan further wrote that Nehru told him to go to Sardar Baldev Singh's house as "he was calling a meeting of the Defence Council at 10 A.M. to discuss the matter."⁸⁰ Defence Council meeting was among others attended by V.P. Menon who gave his own assessment of the situation in Kashmir. While reproducing some extracts from Mountbatten's Reports, Stanley Wolpert wrote: "Menon returned early Sunday morning, October 26, to report to Mountbatten, Nehru and Patel that the Maharaja 'had gone to pieces completely' and could 'come to no decision.' His State's Prime Minister M.C. Mahajan (later Chief Justice of India) however proved 'receptive' to Menon's mission and returned with him to New Delhi where he met

Nehru and Patel."⁸¹ Accompaniment and/or role of Mahajan need, inter alia, be viewed in the light of his position and main assignment. On his appointment as Prime Minister of Maharaja's Government a fortnight back, Mahajan had been briefed and directed by Indian leaders 'to bring about the accession of the State to India anyhow'. Therefore Mahajan's being receptive to Menon's mission was obvious and imperative.

Contrary to Mountbatten's reports stated as above, Menon wrote that in this Defence Council meeting, "Lord Mountbatten said that it would be improper to move Indian troops in to what was at the moment an independent country, as Kashmir had not yet decided to accede to either India or Pakistan. If it were true that Maharaja was now anxious to accede to India, then Jammu and Kashmir would become part of Indian territory. This was the only basis on which Indian troops could be sent to the rescue of the State..."⁸²

One statement that 'Maharaja had gone to pieces completely and could come to no decision' is an affirmative one. This does not necessarily mean that Maharajas was non-compos mentis. But it does connote the meaning that Maharaja had not either shown any inclination towards acceding to India or flatly refused to accept condition of accession to be linked with military aid that had been promised to him. This sort of an inference appears to be in tune with Maharaja's posture in which he had ordered withdrawal of transport facility to Menon and Mahajan at Srinagar, when he was told that his signing of the instrument of accession could facilitate sending of military aid by government of India.

Again Mr. Menon quotes Mountbatten as having said: 'If it were true that Maharaja was now anxious to accede to India, then Jammu and Kashmir would become part of Indian territory.' This sort of supposititious statement is contrary to what Mountbatten had told the Indian Princes and other rulers of Indian States on the eve of Independence in August 1947 that "You are about to face a revolution... In a brief moment you will lose for ever your sovereignty."⁸³ He had further advised them that in their own interest they should accede to either Dominion before 15 August 1947. Maharaja of Kashmir and Nawab of Hyderabad did not accede to either Dominion up to 15 August and they were duly faced with revolution of the people of those States. If, however, this supposititious statement was made by Mountbatten it is not understood as to why he placed rider on the accession of Maharaja "that in view of the composition of population accession should be conditional on the will of the People to be ascer-

tained by a plebiscite."⁸⁴

Further if it were true that Maharaja was anxious to accede or if he had any right to do so, the question arises as to why should have Indian Government placed his decision in the low key and made his decision susceptible to People's verdict. It may be that Maharaja had lost his locus standi on 15 August 1947 when his illegitimate Treaty of Amritsar lapsed and that he had fled from Kashmir Valley and had de facto been dispossessed of 80% of the territory at that given point of time. According to Menon, Mountbatten proposed this rider in the Defence Council meeting on 26 October morning and Nehru, Patel and other members of the Indian Cabinet agreed. Other reasons for placing this rider were that the people were in fact in possession of 80% territory through their Liberation armies and that the legitimacy of Dogra rule ever since its inception over the State had been incessantly challenged by Muslim majority of the State; and/or Maharaja had failed to establish his locus standi as Head of the State through elections after losing his so-called right to possess and rule the State on 15 August; or that Maharaja was not himself interested to accede to India due to various reasons; and Mr. Nehru had an eye on his henchman Sheikh Abdullah whom he would like to place at the helm of affairs and cook up the matters in order to achieve his objective of annexing the State with India anyhow.

Mountbatten, on the other hand, in all probability would have considered that Maharaja's signing the instrument of accession and/or Abdullah's support would not be enough to bye-pass the vital principle of composition of population, for their (Maharaja's and Abdullah,s) locus standi was questionable in the context of lapse of treaty rights and the people's revolt that had ensued soon after. Besides in the context of the historical perspective of the Kashmir's population and ever condemned Dogra rule, the people's verdict over the important issue of annexation of the State with either Dominion was a sine-quo-non. The condition of the plebiscite was also in tune with the basic lacunae in the authority of the Maharaja over the State.

In this context, further developments that took place on 26 October and 27 October 1947, are quite interesting and have been analyzed in some depth as hereinafter.

Menon says: "Soon after the meeting of the Defence Committee (on 26 October) I flew to Jammu accompanied by Mahajan. On arrival at the palace I found it in a state of utter turmoil with valuable articles strewn all over

the place. The Maharaja was asleep; he had left Srinagar the previous evening and had been driving all night. I woke him up and told him of what had taken place at the Defence Committee meeting. He was ready to accede at once. He then composed a letter to the Governor General (copy at Annexure-2), describing the pitiable plight of the State and reiterating his request for military help. He further informed the Governor General that it was his intention to set up an interim Government at once and to ask Sheikh Abdullah to carry the responsibilities in this emergency with Mehrchand Mahajan, his Prime Minister. I flew back at once to Delhi. Sardar was waiting at the aerodrome and we both went straight to a meeting of the Defence Committee which was arranged for that evening."⁸⁵

Without prejudice, let us first calculate the time of Maharaja's arrival in Jammu on the basis of Menon's hypothesis and then explore it further. On 26 October sun sets in Delhi at 5.41 P.M. and the evening starts round about 5.50 P.M. Evening lasts up to 7 P.M. when night sets in. Defence Committee meeting therefore started in Delhi round about 6 P.M. Working backwards:

	Hr	Min
(a) Time Menon spent on road travel from Delhi Airport to the venue of Def. Committee meeting..... =	0	30
(b) Flight from Jammu to Delhi in 1947..... =	2	15
(c) Time taken from Maharaja's Palace to Jammu Airport..... =	0	30
(d) Boarding time at two airports at 10 Minutes each..... =	0	20
(e) Time taken in drafting and typing of the letter of accession. =	0	30
(f) Time taken in waking up Maharaja and discussing the decisions of the Defence Committee with him..... =	0	30
(g) Maharaja was asleep before Menon's arrival (say for)..... =	0	30
TOTAL	5	5
Say 5 Hours only.		

Maharaja's Arrival Time in Jammu works out to be (6 - 5) = 1 P.M. This time be noted for Mr. Menon had also attended one Defence Council meeting in Delhi on the same day between 10 A.M. to 12 Noon. The man is showing himself at two places at the same time. This needs some in-depth study.

Menon has in his book 'The Story of Integration of Indian States' admitted Maharaja having left in the night and

not in the evening. Menon writes: "After assuring myself that he (Maharaja) would leave that night, I went to the Guest House for a little rest."⁸⁶ Mahajan in his book wrote: "He (Maharaja) was persuaded to leave Srinagar at about 2 A.M on the 26th (October) morning."⁸⁷ Menon has a motive behind as the timing of 'Departure' of Maharaja from Srinagar and 'Arrival' at Jammu on 26 October 1947 have serious implications on the validity of signing of the instrument of accession by the persona-non-grata Hari Singh whose authority for so doing was otherwise also questionable. Stanley Wolpert says that, "Menon insists that Kashmir's Instrument of accession was signed and delivered to New Delhi before any Indian troops were flown in to action in Srinagar. Mahajan reports the reverse. The actual sequence is of more than academic interest, since India's claim to Kashmir was, in legal terms, based on having secured a legitimate instrument of accession prior to air lifting any troops in to the vale."⁸⁸

Whereas Menon says that on his trip from Delhi to Jammu on 26 October he was accompanied by Mahajan, the latter tells altogether a different story as to how he spent that fateful day of 26 October in New Delhi. Mahajan writes: "I left the Prime Minister's house and went to the house of Sardar Baldev Singh. After a shave and a bath I retired for some much needed rest. During the previous three days I had neither time for sleep nor rest... At 12.45 P.M. Sardar Baldev Singh came and told me that a decision had been taken to send two companies of Indian troops to Srinagar. All the planes in India had been requisitioned for the purpose. He also wanted me to give the commander of this force as much information as I could about the situation in the State. Luckily I had brought with me a plan which showed where the clash between the raiders and the State forces had occurred, the deployment of the raiders and the distribution of the State forces... The Cabinet meeting in the evening affirmed the decision of the Defence Council to give military aid to the Maharaja to drive out the tribesmen. Around dinner time, the Prime Minister sent a message to me that with Mr. V.P.Menon, I should fly to Jammu to inform the Maharaja of this decision and also to get his signature on certain supplementary documents about the accession. I frankly informed him that I was not prepared to go to Jammu till I got news from my aerodrome officer at Srinagar that the Indian Forces had landed there. Panditji did not insist and said, "You can fly to Jammu next morning."⁸⁹ Supplementary documents stated in the narration of Mahajan most probably related to second and third conditions laid down by Pt. Nehru on Maharaja as specified hereunder.

"In the early hours of the morning of the 27th" says Mahajan, "I could hear the noise of the planes flying over Sardar Baldev Singh's house and carrying the military personnel to Srinagar. At about 9 A.M. I got a message from the aerodrome officer of Srinagar that troops had landed there and had got in to action. On receipt of this message, I flew to Jammu with Mr. V. P. Menon... While leaving for Jammu on the morning of the 27th, I requested the Prime Minister of India to give me in his own hand writing the conditions on which the Maharaja had been given military help at such a critical juncture. Panditji wrote out briefly these terms. The first one was that His Highness should accede to India with regard to three subjects: Defence, external affairs and transport."⁹⁰ Before proceeding to second condition placed by Panditji on Maharaja, it is to point out here that Mahajan has tried to dilute the Prime Minister's statement by stating in his book that, "This he had already done."⁹¹ Well if Maharaja had already acceded why should have the Prime Minister of India written in his own hand on 27 October morning that Maharaja should accede to India ? Mahajan has however, further narrated:

"the second (condition) was that the internal administration of the State should be democratized and a new constitution be framed on the lines of the model already set out for the State of Mysore. The third condition was that Sheikh Abdullah should be taken in the administration and made responsible for it along with the Prime Minister."⁹² This appears to be something fantastic. Last but one para of Maharaja's letter (Annexure-2) with which he is claimed to have sent his instrument of accession on 26 October through V.P.Menon states:

"I may also inform your Excellency's Government that it is my intention at once to set up an interim Government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister."

If, therefore Maharaja had already agreed on 26 October to the third condition of Nehru regarding Abdullah, how could Nehru repeat this condition on 27 October? It is in this important context, therefore that the Instrument of Accession shown dated 26 October 1947 remains seriously questionable.

Continuing his narration, however, Mahajan says that "As we landed at Jammu on 27 October, the Brigadier of the State met me. He felt considerably relieved by the arrival of the Indian army in Srinagar. He told me that the troops on landing in Srinagar had gone in to battle with the tribesmen. Mr. Menon and myself met His Highness at the palace. His Highness had seen Indian planes

carrying the troops flying over the palace and the town. This had created some confidence in his mind. After some discussion, formal documents were signed which Menon took back to New Delhi, while I stayed at Jammu. This was a narrow shave."⁹³

After giving the full account of Mahajan's whereabouts on 26th and 27th October, let us now examine the statements of Menon and Mahajan quoted as above.

(1) Mahajan does not say anywhere that he moved to Jammu on 26 October in accompaniment of Menon, for obtaining the signatures of Maharaja on the instrument of accession. Instead he says that he flew to Jammu in accompaniment of Menon after he got the message at 9 A.M. on 27th October that the troops had landed in Srinagar and got in to action. Menon on the other hand does not mention anywhere in his book 'The Story of Integration of Indian States' that he moved to Jammu in accompaniment of Mahajan on 27th October.

(2) The fact that on 27th October morning, the Prime Minister, according to Mahajan, put it in writing in his own hand, that Maharaja should accede to India on certain terms and conditions stated as above, connotes that Maharaja had not till then acceded to India. The instrument of accession of the Maharaja shown dated as 26 October becomes obviously questionable.

(3) According to Mahajan, the third condition that Prime Minister of India placed on 27th October 1947 morning was that Maharaja should agree to make Sheikh Abdullah responsible for administration along with Mahajan. This he had already committed if Menon obtained his letter of accession on 26 October.

(4) Had it been true that Menon obtained the instrument of accession of Maharaja and submitted in the Cabinet Meeting on 26 October evening, Governor General Of India would have been advised to issue his letter of acceptance immediately after that meeting on 26 October before Government of India could order airlifting of its troops in the first light of 27 October morning. Why should have the Govt. of India opted for a glaring legal lacunae in such an important issue?

Now let us look in to the whereabouts of Maharaja Hari Singh on 26 October 1947. Mahajan wrote that Maharaja was persuaded to leave Srinagar at 2 A.M. on 26 October morning. Dr. Karan Singh (Maharaja's son), puts the Maharaja's "nightmarish exodus from Srinagar late at night on 27th."⁹⁴ The difference in the date of departure

is of course very significant. However, even if the date was 26 October as stated by Mahajan, the time of departure mentioned by Dr. Karan Singh as late at night, could mean any time between midnight and dawn.

Time of Departure of Maharaja from Srinagar.

The statements of Mahajan and Dr. Karan Singh indicate that Maharaja had left sometime between midnight and dawn. Maharaja Hari Singh was a staunch Hindu. It is believed that he followed the dogmas of Hinduism strictly. He also carried with him his family idol which he lifted from Gadhadhar temple situated on left bank of Jhelum in Srinagar - 5 K.M. away from his palace. He therefore started his journey at the auspicious time. Auspicious time for worshipping the idol at night and for starting the safe journey is provided in the Hindu religious code of law under the heading 'Brhm Mahurat'. Brhm means Hindu God, and Mahurat means auspicious time. In Hindu religious books it is described: "Brhm Mahurat, arthat, char gadi raat rahay, uth kar manush dharam aur arth ka chintan karay."⁹⁵ Rendering of these words is made by the author as follows:

Brhm Mahurat means: "when four units on circular measurement of a chronometer of night are left, human being should get up, meditate and bring his good thinking in to play, with faith in religion for his duty and material achievement." Each unit on chronometer is of 24 minutes. Four units mean 96 minutes of night before dawn. Dawn in Srinagar on 26 October occurs at 6 A.M. Auspicious time, on this basis works out as 4.24 A.M., which should have been followed by the Maharaja on his departure from Srinagar. This time more or less corroborates with the information the author gathered from Mr. Ghulam Nabi (Nabaji) and one aged person Mr. Mohiud-din Mir of Shaheedgunj - a locality lying close to Gadhadhar Temple. Mr. Mir was young those days and worked in the State forces. Mr. Ghulam Nabi held a charge of Governor of Kashmir Province during Sheikh regime in early 1950s.

Road Journey of Maharaja from Srinagar to Jammu.

Road journey from Srinagar to Jammu was much hazardous. Save first 64 kilo-metres of flat portion of the Valley from Srinagar to Qazigund, remaining 257 kilo-metres length of the road from Qazigund to Jammu via upper tunnel across the Pirpanchal mountainous range of Himalayas was with a poor specification described as under:

- i) Road Surface - Water bound macadam intermittently interspersed with fair-weather road for washed out stretches.
- ii) Width of road 15 feet - with 9 feet pavement and 3 feet berms on either side. Road width was narrowed down further at numerous slip sites en-route.
- iii) Length of Upper tunnel at Pirpanchal mountain top = 600 feet
- iv) Coating of Tunnel - Cut Rock.

Position of accessibility was as follows:

- i) Blocking of the road on account of slow moving vehicles in either direction.
- ii) Slips of far higher magnitude near Nachilana, Ramsu, Magerkote, Khuni Nallah, Nashiri, Digdole, Phalga, Ramban, Kali Pasi, Peerah zig at Batote, on either side of Patnitop, Samroli, Dharamthal and Nandni.
- iii) Catch-water drains on the uphill sides all along the mountainous range not maintained due to lack of funds.
- iv) Slips always halfway cleared due to lack of funds, resulting in narrowing down the road width to 6 to 8 feet total.

The caravan of about one hundred vehicles consisting of Trucks, lorries and cars led by Maharaja had to cover 321 kilo-metres of road length and move from 5200 feet level to 8989 feet level of old Banihal tunnel, cut across mountainous range of Pirpanchal and Shivaliks and come down to a level of 1200 feet above M.S.L. at Jammu. Besides being very narrow in certain hazardous reaches and slip sites, Banihal Cart Road, as it was called, was intercepted with hairpin bends, sub-standard narrow culverts, narrow wooden bridges, one long and narrow suspension bridge across Chinab at Ramban and numerous cross drains caused due to negligence of maintenance of catch-water drains and numerous slips and slides sites stated as above. To drive any vehicle on this narrow road along the hill slopes facing deep ravines was not an easy task. One site named as Khuni Nallah, in fact, meant Blood Ravine, for it would take a recurring toll of human lives. Degree of unstable condition of Banihal Cart Road in late 1940s can easily be understood by the fact that over the past 46 years now (1947 to 1992) all the efforts for its consistent improvement and development have not brought this road to a satisfactory, safe and stable condition as to avoid traffic accidents and road blockades which recur in certain reaches still.

Time of Maharaja's arrival in Jammu.

A truck or a lorry would, in those times, normally take 27 hours from Srinagar to Jammu - 18 hours journey on road including time consumed in breakfast and lunch in the day time and halts at slip sites, and 9 hours rest at night at any halt place en-route.

Further at the time of Maharaja's flight from Srinagar all the civil and military administration was topsy-turvy, so much so there could hardly be any means of control and maintenance of the road available to ensure free passage of Maharaja's caravan of 100 lorries and cars along the hazardous Banihal Cart Road. That again was yet another impediment on the movement of Maharaja's caravan at that event. Maharaja halted at many a halt place en-route - particularly at Banihal, where he had his breakfast and slept during the forenoon hours for more than an hour in the Banihal Dak-bungalow. At Nashiri, Khooni Nallah was closed for traffic. Maharaja's caravan had to stop for about one hour and a half, in order to clear the huge slip of debris and detritus that had, as usual, accumulated over there. Maharaja also stopped for some time at Ramban and at Taraniwas in Udhampur. At Udhampur he was received by a large gathering of his admirers - Dogra Hindus, with whom he spent quite some time.

Under those dreadful and terrifying conditions it can hardly be believed if the caravan of lorries and cars could have covered that long cart road across steep mountains of Himalayas in any shorter period - particularly when Maharaja and his caravan had to move very cautiously under cover in Muslim majority areas to escape the onslaught of revolutionaries en-route.

If Maharaja followed the dictates of Hindu religious code of law in respect of auspicious time of departure and left Srinagar around 4.30 A.M. on 26 October he reached Jammu at about 11.30 P.M. on 26 October, putting 15 hours minimum in his car and four hours on breakfast, lunch, rest in Dak-bungalows and at slip and slide sites and meetings with Dogra Hindus who gathered wherever he stopped.

If Maharaja, however, set aside religious attributes and followed the advice of Mahajan and left at 2 A.M. on 26 October, he could have hardly reached Jammu at about 9 P.M. on 26 October. How on earth could Mr. V.P. Menon the Secretary of Govt. of India get Maharaja's signature on the Instrument of accession of Kashmir during the day time on 26 October, go back from Jammu to Delhi

and then attend the Defence Council or Cabinet meeting in Delhi in the evening at 6 P.M.? All the above said technicalities and conditions of the Banihal Cart Road apart, the question of Maharaja having reached Jammu in the day time does not arise, because Maharaja's son Dr. Karan Singh, the then Crown Prince of Maharaja, who travelled with his parents on this journey testifies that Maharaja reached Jammu in the evening. In this behalf he wrote, "When the next evening he (Maharaja) finally reached Jammu and pulled up at the palace, he uttered but one sentence, "We have lost Kashmir"⁹⁶ So the story built by Mr. Menon in respect of having obtained the signature of Maharaja on 26 October is in glaring contrast and contradiction with the statements of both Dr. Karan Singh and Mahajan and does not stand the test of technicalities of mountainous journey and conditions of Banihal Cart Road of those times and various other facts stated hereinbefore.

On arrival in Jammu on 27 October, Mahajan affirms that Maharaja had already seen Indian planes carrying the troops flying over the palace and the town. Mahajan further says that 'after some discussion formal documents were signed which Menon took back to New Delhi.' Signing of formal documents by Maharaja at that given point of time after the arrival of Indian forces on the Kashmir soil was a trash indeed, but India deemed it as a face saving factor. If Hari Singh signed the formal documents of accession at that time, in all probability he was sounded by Menon, Mahajan and officers of Indian army that Maharaja's safety, honour, restoration of crown and reinstatement of power lay only in submission to the dictates of Government of India. In case he did not, even at this late stage accept to sign the pre-dated instrument of accession, he would be susceptible to dire consequences. To the crest fallen ruler who had lost control over 80% of the territory of Jammu and Kashmir this offer was in fact a blessing in disguise. In his desperation and despondency, the drowning man had to willy-nilly catch at a straw and come out of the frying pan and succumb to the dictates of Government of India under duress.

Viewing therefore the statements of Mr. Nehru, V.P. Menon, M.C. Mahajan and Dr. Karan Singh in juxtaposition one finds them contradictory inter-se, inter alia, in respect of date and timings of departure from Srinagar and arrival in Jammu. That per-se makes the Indian case in respect of accession synonymous of having founded the edifice of annexation of Kashmir on a base incapable of standing the test of international justice and human rights. On the basis of relevant facts described heretofore an

unbiased and strong finding is arrived as follows:

The illegitimate ruler of Kashmir, Maharaja Hari Singh was made to sign the pre-dated instrument of accession of Kashmir by Government of India under simultaneous desperation, despondency, duress and temptation after air dropping of Indian forces on Kashmir soil on 27 October 1947. It was not signed by him on 26 October as contended by Government of India.

It may, however, be pointed out here that the above said analysis has only been made with a view to investigate in to the Indian claim of having secured a legitimate instrument of accession prior to air lifting of troops in Delhi for combat in Kashmir. Otherwise, even if there were a sound basis to establish Maharaja having signed the instrument of accession willingly in favour of India before the arrival of Indian army on Kashmir soil, it would still hold no water, primarily in the context of historical perspective of freedom struggle of the people in the past one century (1846 to 1947) of illegitimate Dogra rule over the State and Hari Singh's position as persona-non-grata to the Muslim majority of the State and as a person devoid of authority to rule the State particularly after having lost his treaty rights and so-called sovereignty on 15 August 1947.

If Hari Singh had any sovereign rights at that given point of time how could the Governor of India have, with the consent of Indian Cabinet, placed the rider of referendum in his acceptance letter of accession? Whereas the text of Hari Singh's letter to Governor General of India is given at annexure 2, Mountbatten's acceptance letter dated October 27, 1947 reads as under:

My dear Maharaja Sahib,

Your Highness's letter dated 26 October has been delivered to me by Mr. V.P.Menon. In the special circumstances mentioned by your Highness my Government have decided to accept the accession of Kashmir State to the Dominion of India. Consistently with their policy that in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that as soon as law and order have restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by a reference to the people.

Meanwhile in response to your Highness' appeal for military aid, action has been taken today to send troops

of the Indian Army to Kashmir to help your own forces defend your territory and to protect the lives, property and honour of your people.

My Government and I note with satisfaction that your Highness has decided to invite Sheikh Abdullah to form an interim Government to work with your Prime Minister.

With Kind regards,
I remain,

New Delhi,
October 27, 1947

Yours sincerely,
Mountbatten of Burma

While the implications of the impugment in respect of Maharaja's locus standi and date of signing the instrument of accession remain as described heretofore, we find something more built in this letter of acceptance of the Governor General of India. Government of India have, it is clear, recognised and agreed to two important facets of the Kashmir Problem. (a) That the State's accession is disputed, and (b) Maharaja was not the final authority to decide the State's accession finally, for according to this letter of acceptance, the issue of accession of the State is to be settled finally by a reference to the people. Noteworthy, in this behalf, are the telegram's of Mr. Nehru which he issued immediately after air dropping Indian troops on Kashmir.

In one telegram No. 402 Primin-227 dated 27 October 1947 to the Prime Minister of Pakistan and a copy addressed to the Prime Minister of Great Britain, Jawaharlal Nehru wrote:

"I should like to make it clear that the question of aiding Kashmir in this emergency is not designed in any way to influence the State to accede to India. Our view which we have repeatedly made public is that the question of accession in any disputed territory or State must be decided in accordance with the wishes of the people, and we adhere to this view."

Another telegram which Nehru addressed to the Prime Minister of Pakistan under No. 225 of 31 October 1947 reads as: "...The people of Kashmir would decide the question of accession. It is open to them to accede to either Dominion."

The commitment of Accession through referendum, on the part of Government of India at that juncture in 1947 was indeed unavoidable in the context of any or all factors described as under:

(1) Historical Perspective of Kashmir Problem.

Muslims of the State who constituted majority had, ever since the inception of illegitimate Dogra rule in the State, agitated against that rule and the treaty of Amritsar. Dogra rulers were not only persona-non-grata but they were hated by Muslims for their incessant oppressive measures.

(2) Bonafides of Maharaja Hari Singh.

On 21 June 1947 Hindustan Times in an article warned Indian leaders that the 'Ruler's rights were based on a Sale Deed and nothing more.' Whether it was a Sale Deed or a strange type of Gift Deed, Treaty of Amritsar precluded from its ambit any transaction of the people and Gulab Singh's right to rule over them in the capacity of a sovereign ruler. With the lapse of treaty of Amritsar, Maharaja Hari Singh, however, lost whatever rights his ancestor Gulab Singh had gained over this State. While advising the princes of India that they should join either dominion before 15 August 1947, Mountbatten had indeed told them, "You are about to face a revolution. In a brief moment you will lose for ever your sovereignty."⁹⁷ Maharaja of Kashmir had been forced out of Kashmir Province by revolutionaries with the help of tribals, and on arrival in Jammu, Maharaja had conceded having lost Kashmir. In the whole State he had hardly 20% territory under his control on signing the Instrument of accession with India at his palace in Jammu town. This territory included Kathua and parts of Jammu and Udhampur where Dogra Hindu population predominated. Therefore in that sense too Maharaja had no locus standi over the whole State.

(3) Composition of Population

This was the cardinal factor accepted by both India and Pakistan for the division of the country. Besides social, cultural, linguistic and geographic non-compatibilities of Kashmir with India, this State had more than 80% Muslim population.

(4) Considerations of Other Disputed States.

In another disputed State Junagadh, the Government of India was fully supporting the Hindu majority of that State at that time against the decision of accession that its Muslim ruler had taken in favour of Pakistan well in time fixed for accession of princely States to either Dominion viz. 15 August 1947. In another disputed State Hyderabad, Hindu majority was ruled by a Muslim Nawab. He

had not acceded to either dominion by August 15, 1947. There was, therefore every possibility that in case Maharaja of Kashmir was deemed by India as the final authority to decide the issue of accession of Kashmir State in full and final settlement of the dispute, the Nawab of Hyderabad would have in connivance with Govt. of Pakistan, either followed suit and opted for accession with Govt. of Pakistan or declared independence. That would create problems of security, integrity and stability for India. The situation prevailing in Hyderabad and Junagadh in respect of ruler-people relationship was psychologically and otherwise, mutatis mutandis, similar to that of Kashmir, so much so India had no other alternative but to lay more emphasis on the People's Will rather on the so-called Maharaja of Kashmir, who had comparatively very weak bonafides.

(5) Position of Kashmir on 26 October 1947

After having lost control over about 80% of the territory of Kashmir on 26 October, Hari Singh's accession would not hold valid.

Sheikh Abdullah, in the capacity of Indian installed Prime Minister of Indian-held Kashmir (IHK), later in his note of 1st. June 1948 reproduced by him in his letter of 7 October 1948 to Patel affirmed that "At that moment (When Maharaja fled from his capital Srinagar on 26 October), a fairly large portion of the State had fallen in to the hands of the (so-called) enemy" - People's Liberation Army and tribesmen.

It was primarily under such odd circumstances that India was willy-nilly eventually drawn in to a fake position in Kashmir State in the context of the said acceptance letter of her Governor General - Lord Mountbatten; and there were problems for India even to keep that fake position standing, for: (1) Azad Kashmir Government had already come in to being in the State and the Liberation Army had fought the Maharaja out of the State's capital and his Government had de-facto collapsed. While Dogra rule had never been accepted by the Muslim majority its so-called de-jure status had also ended on 15 August 1947, when the treaty of Amritsar ended; (2) Involvement of Pakistan Army's infiltration in the State could not be established for on the same day (i.e. 27 October 1947), Mountbatten, among other things, wrote to Patel, "There was no indication anywhere of Pakistan Army officers taking part;"⁹⁸ (3) On 27 October again, Mr. Ali Mohmad Jinnah became vengeful of India's action on Kashmir and, as Governor General of Pakistan, "ordered his acting Commander-in-Chief (General Messervy was on leave),

General Sir Douglas Gracy to move two brigades of the Pak army in to Kashmir ... one from Rawalpindi and another from Sialkote."⁹⁹ Since this sort of action did not fit with the British Plans for the sub-continent, the British General Gracy in consultation with the Field Marshal Auchenleck, the Supreme Commander of Indian armed forces, refused to carry out his orders; (4) Government of Pakistan immediately issued a statement on Kashmir's accession that the same was "based on fraud and violence and as such can not be recognised."¹⁰⁰

These were some important factors which made the Prime Minister of India to broadcast India's policy on Kashmir on November 2, 1947 (i.e. 5 days after air dropping of Indian troops on Kashmir soil), some extracts whereof are reproduced below:

"I agree that there has been fraud and violence in Kashmir, but the question is: who is responsible for it? Already considerable parts of the Jammu and Kashmir State have been overrun by raiders from outside, well armed and well equipped."¹⁰¹

"We decided to accept the accession and to send troops by air, but we made a condition that the accession would have to be considered by the people of Kashmir later when peace and order were established. We were anxious not to finalize anything in a moment of crises, and without the fullest opportunity being given to the people of Kashmir to have their say. It was for them ultimately to decide.' ... 'And let me make clear that it has been our policy all along that where there is a dispute about the accession of a State to either Dominion, the decision must be made by the people of that State. It was in accordance with this policy that we added a proviso to the Instrument of Accession of Kashmir'...'and as soon as Kashmir is free from the invasion, our people will have no further necessity to remain there and the fate of Kashmir will be left in the hands of the people of Kashmir."¹⁰²

"We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given, and the Maharaja has supported it, not only to the people of Kashmir, but to the world. We will not and can not back out of it. We are prepared when peace and law and order have been established to have a referendum held under international auspices like the United Nations. We want it to be fair and just reference to the people and we shall accept their verdict. I can imagine no fairer and juster offer."¹⁰³

From the above said declarations of the Prime Minister of

India, it is abundantly clear that: (a) Both Governments of India and Pakistan have agreed that accession of Kashmir with India is based on fraud and violence but the responsibility of fraud and violence was alleged inter-se. Voiceless subjects of Kashmir had, however, been taken for granted by both these neighbouring countries; and (b) Government of India, on her part have given an unequivocal undertaking to the people of Kashmir followed by her agreement with the peoples of the World at the U.N.O. that the fate of Kashmir shall ultimately be decided by its people through a referendum to be held under international auspices of the United Nations. Pakistan is also a party to this commitment at the United Nations. This declaration immediately after Military intervention and so-called accession not only constitutes a strong commitment and a solemn covenant on the part of Govt. of India, but shakes the very base of the claim of accession and/or possession of the territories of Kashmir by India and Pakistan by force. The title which India later claimed to have acquired over Kashmir by virtue of non-bonafide Maharaja's signing the so-called instrument of accession stood already annulled in its inchoation by the said declaration and its timing. This point must have sufficient potentiality to stand before any international forum or Court of Justice. This solemn covenant can not and shall not wither away by imposed constitutions and other means that might be adopted by the two alien countries with the passage of time. Let the consciousness in the right direction grow among the people of Kashmir State and the peoples of the free World, fulfillment of this covenant is bound to become a sine-quo-non.

If, however, November 2nd 1947 broadcast of the Prime Minister of India was a stratagem to throw dust in the eyes of the free world to achieve ulterior motives; or if it was a tactical move blended with false pretension to cover, what Sunday Express of London later wrote on 6 January 1957, 'the guilt of blatant aggression in Kashmir'; or if the idea was that over a period of time this fake position of India in Kashmir could gradually be stabilized step by step by all possible means after some major breakthrough was made in annexing Junagadh and Hyderabad with India with the help and cooperation of Hindu majority populations of those two states; that sort of a stratagem in the context of historical perspective of Kashmir Problem did constitute a fraud and Indian method of colonization. If with that stratagem Sheikh Abdullah, the henchman of Nehru, was made to ride over the heads of voiceless subjects of Kashmir with the help of Indian army, it was obviously bound to fail in the long run and cause, inter alia, perpetual and immense aberrations among the peoples of India, Pakistan and

Kashmir.

Indian onslaught on Kashmir Liberation Army and the tribesmen of Frontier Province first came from 329 Sikh soldiers of the First Sikh Regiment of Indian Army, and eight tons of arms and ammunition which arrived from India on Srinagar airfield by nine DC-3 plane at dawn on 27 October 1947. Had the strategy of despatching Sikh Regiment to Kashmir emanated from the historical holocaust of communal disturbances which had erupted particularly between Sikhs and Muslims in Punjab at that event or due to some other reason one does not know. But the fact remains that the first batch of Sikh soldiers willy-nilly bore the first brunt in what was believed to be the valley of death for non-Muslim forces of any shade and strength at that time. This first instalment of Indian troops and arms incessantly multiplied to hundred thousand soldiers and huge arms supply on Kashmir soil. However 27th October 1947 was a day of severe misfortune particularly for those people of the State who were against recurrence of alien rule in the State and for those who wanted the State to join Pakistan and generally to all the peoples of the sub-continent who suffered in due share; for on this day, as had been warned by Mountbatten, Kashmir turned in to battle field, history of Kashmir repeated after one century of alien Dogra rule and a perpetual conflict ensued between India and Pakistan. Indian forces could however stem their advance against Liberation forces and tribesmen only when their first armoured cars arrived over 'Radcliffe's road'¹⁰⁴ through Gurdaspur district which Radcliffe had awarded to India against the principles of Partition. Plans of British Government were thus accomplished and the presence of British Generals and/or their civil administrators including Lord Mountbatten the Governor General of India were no longer of any significance in the sub-continent, for the die had been cast.

Pakistan plans for annexation of Kashmir must have at this juncture received a jolt with the military adventure of India. India's allegation that Pakistan army was involved in the fray with the tribals of Durrand line area of Frontier province were as already stated refuted by Governor General of India himself. Pakistan had also denied charges that the tribals were trained, armed and sent to Kashmir by Pakistan. Indian Journalist Shekher Gupta later confirmed that the tribals of Frontier Province did enjoy age old traditional independence. Contrary to the fact, Pandit Nehru maintained that tribals in Kashmir were armed and were not stopped by Pakistan from infiltrating in to Kashmir. Liaquat Ali Khan in a meeting with Mountbatten and Lord Ismay held in

Lahore later on 1 November 1947 said: "If they (Pakistan Government) had made any attempt to interfere with the movement of tribesmen in their own buses, this would have precipitated trouble with the rest of the tribes on the Frontier."¹⁰⁵ The fact, however, remains that had not the pretext of infiltration of tribesmen in to Kashmir been engineered, India would not be able to justify air dropping of their forces at the inception of Winter season in Kashmir and Liberation armies would have gained control on the road connecting Kashmir with India and left no chance for India to infiltrate in to Kashmir. Pakistan leaders on the other hand had, in a vain hope, believed that Kashmir was a part of Pakistan. To them Letter 'K' in the word 'PaKistan' stood for Kashmir. This did not come true.

However, when Jinnah learnt of air dropping of Indian troops in Kashmir, he got upset and immediately ordered his acting Commander-in-Chief General Gracy to follow suit. As already stated he refused to carry out his orders. Soon the Supreme Commander of Indian forces Field Marshal Auchinleck arrived in Lahore on the morning of 28 October 1947 and requested Mr. Jinnah to withdraw the orders of armed intervention in Kashmir. Sheikh Abdullah says that "the Prime Minister Clement Attlee of Britain had warned the Prime Minister Liaquat Ali Khan of Pakistan that if Pakistan's planes ventured confrontation with Indian planes (in Kashmir), he would call back British officers from Pakistan army. There were no pilots of their own with (newly born) Pakistan."¹⁰⁶ Auchinleck on the other hand offered a bait - a proposal of a meeting of Governor Generals and Prime Ministers of India and Pakistan to be held on the following day i.e. 29 October, where problems inter-se would be resolved peacefully. Probably with the idea that a peace process was better than armed confrontation; or that Pakistan was not strong enough as to stand against India at that time; or that Pakistan had inherited a host of intricate problems of Partition with which she was engrossed; or that Pakistan army was commanded by British generals, who were against such an action, that Jinnah agreed to the suggestion of Auchinleck and immediately sent a formal invitation to the Governor General and Prime Minister of India for the joint meeting and conceded to the request of Auchinleck for withdrawing the order of armed intervention in Kashmir. But the next day Sardar Patel strongly opposed Nehru's leaving Delhi for Lahore to attend the Prime Ministers meeting over there. Nehru was said to have taken ill immediately on the same day, with the result that the High Level meeting between India and Pakistan was not held on 29 October 1947. On 30 October therefore Pakistan Government issued a statement that

accession of Kashmir to India was based on fraud and violence and had no validity as such. On 31 October Mountbatten wrote to Mr. Nehru that he would like to discuss the strategy of the all important meeting that was now to be held with Pakistan Government on 1st November 1947 and would accompany him to Lahore to offer his assistance. Nay! Nehru did not go to Lahore to attend that meeting even. Instead Mountbatten and his Chief of Staff Lord Ismay flew to Lahore on 1st November and discussed Kashmir issue with Mr. Jinnah, Liaquat and other leaders of Pakistan. Mountbatten says that at Lahore he submitted a formula to Mr. Jinnah for solution of Kashmir issue. The proposal envisaged that: "The Governments of India and Pakistan agree that, where the ruler of a State does not belong to the community to which the majority of his subjects belong, and where the State has not acceded to that Dominion whose majority community is the same as the State's, the question of whether the State should finally accede to one or the other of the Dominions should in all cases be decided by an impartial reference to the will of the people."¹⁰⁷ Implicit in this proposal was the complexity of clubbing problems of two other disputed States - Junagadh and Hyderabad with Kashmir, and admission on the part of Indian Government that the people of every State had the final say. "Mr. Jinnah's first observation was that it was redundant and undesirable to have a plebiscite when it was quite clear that States should go according to the majority of populations and if we (Indian Govt.) would give him the accession of Kashmir he would offer the accession of Junagadh direct to India."¹⁰⁸ Mountbatten further wrote: "I told him that my Government would never agree to changing the accession of a State against the wishes of a ruler or the Government that made the accession unless a plebiscite showed that the particular decision was not favoured by the people ... Mr. Jinnah then went on to say that he could not accept a formula if it was so drafted as to include Hyderabad since he pointed out that Hyderabad did not wish to accede to either Dominion and could not be a party to coercing them to accession... I offered to put in some reference to States whose accession was in dispute, 'to try and get round the Hyderabad difficulty' and he said that he would give that his careful consideration if it was put to him."¹⁰⁹

Mr. Jinnah further told Mountbatten that "this accession (of Kashmir) was the end of a long intrigue and that it has been brought about by violence."¹¹⁰ Pakistan Government, however, suggested certain proposals envisaging, inter alia, constitution of India-Pakistan force to hold the ring while the plebiscite was held and a procedure to be evolved for accession of those States in which the

matter was in dispute. Chaudri Mohmad Ali of Pakistan wrote: "On 1st November Qaid-i-Azam (Ali Mohmad Jinnah) in his meeting with Mountbatten made following proposals for settling the Kashmir dispute:

(1) That the Governor Generals of India and Pakistan make an announcement that warring factions (in Kashmir) be given notice that they stop fighting within 48 hours and tribesmen be warned that if they did not comply with, the armies of both countries shall fight against them; (2) Arrangements be made to withdraw Indian forces and tribesmen from Kashmir at a time; and (3) The two Governor Generals of India and Pakistan be delegated with all powers to establish peace and hold administration of the State and arrange a plebiscite under their joint administration and supervision.

Mountbatten agreed to submit these proposals to his Cabinet but showed his helplessness that he could take no decision himself in the capacity of a constitutional Governor General (of India) nor arrange a plebiscite in collaboration with Qaid-i-Azam."

It would be astonishing that contrary to Auchinleck's earlier proposal to Government of Pakistan that a meeting between the Governor Generals and Prime Ministers of the two Dominions be held to sort out the differences inter-se, Lahore meeting was held by Lord Mountbatten not in the capacity of Governor General of India but as ex-Viceroy of erstwhile undivided India. This must have shocked the leaders of Pakistan, when they learnt that Mountbatten did not hold discussions with them in the capacity of Governor General of India and that the discussions with him were a futile exercise. In his note Mountbatten says that, "At the end Mr. Jinnah became pessimistic and said it was quite clear that the Dominion of India was out to throttle and choke the Dominion of Pakistan at birth, and that if they continued with their oppression there would be nothing for it but to face the consequences."¹¹¹

On his return from Lahore, Mountbatten sent a detailed note of his talks to Mr. Nehru and, inter alia, insisted: "I should be delighted for you to show these to the Deputy Prime Minister, but would be grateful if you would not show them to anyone without consulting me, because the whole basis of our talk was unauthorized and unofficial."¹¹² What a gimmick on the part of Indian Government and/or the British Governor General of India!

What sort of follow up action could be expected when there was double standard maintained at highest echelons

in India at such important events? Thus this unique drama of bilateral negotiations turned out to be an artifice, a hoax and a calculated move to prevent Pakistan to send her forces in to Kashmir.

Mountbatten's meeting with Jinnah was, however, followed by Nehru's broadcast on 2 November 1947, important aspects of which have been described here-in-before. He gave a pledge to Kashmir that the future of the State shall be decided by the people through a referendum to be held under the international auspices, and provided a base for the issue to be referred to the United Nations Organisation. "This was followed on 4 November by a broadcast from Lahore by Liaquat Ali Khan. He laid stress on the 'immoral' and illegal ownership of Kashmir resulting from the 'infamous' Amritsar Treaty of 1846. He contended that it was a dishonest rewriting of history to present the rebellion of enslaved people of Kashmir to the world as an invasion from outside just because some outsiders had shown active sympathy with it."¹¹³

It seemed rather hypocritical that while on one hand Lord Mountbatten was having his parleys with Pakistani leaders in Lahore on 1st November on amelioration of relations between India and Pakistan, on the other hand "the administration of Junagadh was formally taken over by Government of India through the Regional Commissioner for Western Indian States"¹¹⁴ on the same day. Mangrol, Babariawad and Manavadar claimed to have been part of Junagadh by its Nawab, were forcefully occupied by India. On 7 November, so-called liberation army of 20,000 soldiers equipped with artillery and modern weapons entered Junagadh and only after two days Indian Government established full hold on Junagadh.

If these developments are related to the objectives of the British Government and her allies in the sub-continent as stated in the previous chapter, it seems obvious that the purpose behind those meetings of Lord Mountbatten and Lord Ismay at the time of Indian army intervention in Kashmir was nothing but to evade Pakistan's army intervention in Kashmir and permit India to grow to a strength compatible to the requirements. India thus strengthened her position in Kashmir and also simultaneously captured Junagadh by force. Thus the process of confrontation between India and Pakistan was set in. Procurement of arms and ammunition by Pakistan from European countries got a fillip and strategies for counteracting Indian designs were evolved de novo by Pakistan at that late stage.

Justification for occupation of Junagadh was given by

India that the people alone and not the ruler, had the right to decide the accession of their State. Simultaneously on 21 November 1947, Nehru wrote to the Prime Minister of Pakistan that "Kashmir should decide question of accession by Plebiscite or referendum under international auspices such as those of United Nations."¹¹⁵ Intentions of Indian government were insincere in the sense that while in Junagadh they helped Liberation armies, in Kashmir they fought against the people and the Kashmir Liberation army. A double standard was therefore manifest in Indian actions.

Joint Defence Council meetings were, however, held in the month of December 1947 in New Delhi and Lahore. These afforded an opportunity to the two Governments to sort out their differences through bilateral negotiations. They did see eye to eye to the principle of holding a plebiscite in Kashmir but they differed much on the implementation part of it. On 8 December, the Prime Ministers of India and Pakistan and Governor General of India Lord Mountbatten discussed the Kashmir issue at Lahore for about eight long hours. Nehru wanted that fighting in Kashmir should be stopped, tribesmen withdrawn and Plebiscite held under the Emergency Administrator of Indian-held Kashmir (IHK). Liaquat argued that any physical measures to stop the tribesmen of Frontier with whom Pakistan had an agreement of non-interference, would in effect mean armed confrontation with them. He insisted that it was important that 'India should withdraw all her forces from Kashmir and a neutral administrator be appointed so that the free, fair and impartial plebiscite could be held in a peaceful atmosphere. This was not agreeable to Nehru. Thus this meeting proved to be of exploratory nature, each side trying to find out as to how deep the other side was in the troubled waters of Kashmir.

After the failure of these meetings, Indian Government closed the door for bilateral negotiations and preferred to invoke the good offices of the United Nations Organisation and apprise the international community about the Kashmir issue. Indian Government could thereby gain more time and stabilize her fake position in Kashmir by all possible means. On the other hand the game of foreign powers introduced through Lord Mountbatten was established. Kashmir issue - a weak point in the Indian politics was thereafter used by global powers for their own ends as also as a strong means to capture markets for military hardware etc. in the sub-continent. Kashmir issue had, as they knew well, sufficient degree of propensity of perpetuity. What however remained was the Will of the People in respect of future of their State or

if it were possible for India to establish a fait accompli and overcome all the odds that were due to be faced in that direction. As later developments proved, the latter course was in the minds of Indian leaders; for Mr. Nehru had already hinted such a course of action in some ambiguous terms obliquely in his statement which he made in his Constituent Assembly at New Delhi on November 25, 1947. Nehru said, "Let the people of Kashmir decide and we shall accept their decision. But if this armed conflict continues, no opportunity is given to the people to decide by peaceful means, and the decision gradually takes place through the sacrifice and power of the people in this conflict."¹¹⁶

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INTERNATIONAL ASPECT OF KASHMIR PROBLEM

Guide lines for future course of action in respect of Kashmir were laid down when Nehru declared in Indian Parliament on 25 November 1947: "In order to establish our bonafides, we have suggested that when the people are given the chance to decide their future; this should be done under the supervision of an impartial tribunal such as the United Nations Organisation."¹ Hardliners in the Indian Cabinet believed that occupation of Kashmir should be stabilized without holding a plebiscite. Nehru understood the implications of that sort of posture by Government of India. In his letter dated 2 December he wrote to his Deputy Prime Minister Sardar Patel: "I know that you do not like the idea of a plebiscite, but we cannot do away with it without harming our cause all over the world. We are bound down to that proposal, provided, of course, there is a settlement ... From our point of view, that is India's, it is of the most vital importance that Kashmir should remain within the Indian Union. I need not go in to the reasons for this as they are obvious, quite apart from personal desires in the matter which are strong enough. But however much we may want this, it cannot be done ultimately except through the goodwill of the mass of the population. Even if the military forces held Kashmir for a while, a later consequence might be a strong reaction against this."² Whatever the considerations or intentions on the part of Indian leadership might have been there, reference of the Kashmir Issue to the United Nations Organisation did help India to push the problem away from the sub-continent in to the deep sea, make use of the United Nations negotiating mechanism, place a moratorium on military intervention from Pakistan, mark time, push back the Liberation armies as far as could be possible, capture large territories in various parts of Kashmir State by force and crush the revolution and the anti-Indian element and/or push them out of the occupied territory with the help of Indian stooge Sheikh Abdullah whom he got installed as Emergency Administrator on 30 October 1947 in Kashmir. Reference of Kashmir Issue to the U.N.O. might have suited to Pakistan as well for she was in the making, groping to exist in straightened conditions and above all had no arms to fight back India. It was the Might rather than Right that created this human problem in Kashmir.

Joint Defence Council meetings in India and Pakistan had been held in December that year. Kashmir Problem had been discussed. Chaudri Mohmad Ali in that behalf says that, "myself and V.P. Menon jointly tried to find out the basis for discussion between the two Prime Ministers. Solution

of the (Kashmir) issue was quite simple and clear - that is fighting should stop, tribesmen and Indian forces should both go back, Indian and Pakistan should jointly apply to U.N.O. that it holds free and fair Plebiscite in Kashmir; Peace and order should be established, so that those citizens of the State, who had been pushed out, could return to their homes and all political prisoners be released. If there were good intentions to accept the verdict of the people of Kashmir, there would be no difficulty."

Both the Governments agreed that the only solution of the problem was the reference to the people but India wanted the opinion poll to be conducted under the control of an administrator of her choice, obviously to get the same tilted in India's favour by various means. Pakistan believed that since Azad Kashmir Government had come in to being and Maharaja Hari Singh had been deposed by the same and pushed out of Kashmir Province by the revolutionaries, he had no locus standi. Pakistan therefore insisted that it was expedient to hold plebiscite under some impartial administrator. Further for purposes of holding the plebiscite Indian army should be withdrawn from the State. Government of India instead charged Pakistan that she should refrain from abetting the aggression and the revolutionaries, stop sending tribesmen in to Kashmir, and deny them the use of its territory and military supplies. Pakistan resolutely denied these charges. Tribal infiltration was most unduly exploited by India in order to defame Pakistan and hide the fact that entire Muslim population of Kashmir had risen in revolt against Maharaja Hari Singh's illegitimate rule.

However, in accordance with the policy decision declared by Nehru on 2 November 1947 and reiterated in the Indian Parliament on 25 November, the Representative of India to the United Nations lodged a complaint to the President of the Security Council on 1 January 1948 under Article 35 of the Charter of the United Nations. The letter at para 1, inter alia, laid emphasis that Jammu and Kashmir State had acceded to India and was a part of India and that a situation had been caused by raid from Pakistan, which had endangered maintenance of international peace and security. The Government of India therefore requested the Security Council to ask the government of Pakistan:

- (i) to prevent Pakistan Government personnel, military and civil, participating in or assisting the invasion of the Jammu and Kashmir State;
- (ii) to call upon other Pakistan nationals to desist from taking any part in the fighting in the Jammu and Kashmir State.

(iii) to deny to the invaders: (a) access to and use of its territory for operations against Kashmir; (b) military and supplies; and (c) all other kind of aid that might tend to prolong the present struggle.

Reference to the Security Council did not, it is interesting to note, remain confined to the points stated as above. At para 6, the letter read as: "...in order to avoid any possible suggestion that India had utilized the State's immediate peril for her own political advantage, the Government of India made it clear that once the soil of the State had been cleared of the invader and normal conditions restored, its people could be free to decide their future by the recognized democratic method of plebiscite or referendum which, in order to ensure complete impartiality, might be held under international auspices."³ From this statement it is clear that Government of India not only committed to the verdict of the people as the key to the settlement of the issue but pleaded before the Security Council to be sincere, innocent and not guilty of any misdemeanor. This also indicates that there were really some fears in the mind of the members of the Security Council about the real intentions of Government of India, that the latter tried to dispel their fears. Besides, this part of the letter is obviously paradoxical to the Indian claim made at para No.1 stated as above, that the State was part of India. Had it been part of India or Pakistan like Delhi and Lahore respectively, could a plebiscite be permitted there by them under the international auspices?

To buttress the Indian claim at the U.N.O. however, Nehru simultaneously gave statements before the Press on 2nd and 15th January 1948, reiterating his pledge that he had made earlier. He said, "We have gone there (to Kashmir) to support them. We have pledged our honour to them and we shall stand by our pledge'...'We seek their freedom not for any gain to us, but to prevent the ravishing of a fair country and a peaceful people."⁴

Now that the ball was in the court of an international body, it had to undergo the normal process of discussions, investigations, report making, deliberations, negotiations and a host of other related matters before the issue could come to some logical conclusions. That needed time, which factor was in the interests of global powers, for they could that way try to bring the two newly born Dominions of the Indian sub-continent under their influence for achieving their global interests. It is in this context that the study of a panorama of the political arena of the world becomes expedient, as to understand to what extent Kashmir Problem has been

affected in the political situation that had emerged at that time after the end of World War II.

At the close of the World War II an era of world history ended. Soviet Union and United States of America emerged global powers. A new phase of tensions among nations inter-se ensued.

During the War, Soviet Union had suffered about 7 million casualties; about 17000 towns were destroyed and more than 800,000 square miles of territory blighted. Damages to rail roads, power plants, factories, farms and other infrastructures were colossal. About 25 million population had been rendered homeless and they were to be rehabilitated. Notwithstanding these losses, Soviet Union had, during the war captured an area of 262,533 square miles of territories of eastern provinces of pre-war Poland, Karelia, Lithuania, Latvia, Estonia, Bessarabea, Northern Bukovina, Petsamo, Tuva, Northern Prussia, Kuriles, Southern Sakhalin and Ruthenia with a population of more than 22 million at that time. Further with the victorious end of the war, vast assets accrued to the Soviet Union by way of transfers and reparations.

Influence and/or domination over Turkey and Greece was the instigator of the trouble that ensued after World War II, in various parts of the World in quick succession and evolved a new era of confrontation between global powers. Territories of Soviet Union, Turkey, Bulgaria and Romania extended up to Black Sea. Turkey's territories extended up to Aegean Sea on the south side. Sea of Marmara, which connects Black Sea with Aegean Sea and Mediterranean, belonged to Turkey as a whole. That made the difference. U.S.S.R., Bulgaria and Romania claimed that they should have free access to the Mediterranean and outside world through the straits of the Bosphorous, sea of Marmara and Dardanelles. Turkey deemed it infringement of her sovereign rights. Further, Muslim majority of that country couldn't place the tenets propounded by Lenin and Karl Marcs above the tenets of Islam.

At the close of World War II Soviet Union denounced the treaty of Friendship and Neutrality signed by her with Turkey in 1925; and demanded eastern province of Turkey (Kars and Ardhan regions). This was a clear case of dictation on the part of a Super power to a smaller nation. In this situation Turkey would normally have recourse to ask aid from other European powers. But the authority of imperialist powers of Western Europe had almost collapsed beyond retrieve by the onslaught of World War II. From a creditor nation in 1939, Britain had become a debtor nation in 1945. Her foreign liabilities

and internal debt had increased by leaps and bounds. Her foreign investments and merchant marine had heavily dwindled. In 1945 the cost of War to the British exchequer stood at about 13,977,000,000 Pounds at 1938 prices. France was no longer a power after World War II. It would be called a power by courtesy.

Expansion tendencies of the Soviet Union warranted the British Government to, at least, safeguard her lines of communication running through the Mediterranean; which it couldn't do. United States, on the other hand, had emerged at the pinnacle of economic power after the second world war. Barring Pearl Harbour, her territories had not come under the attack from any side. Her industry remained in tact with ever rising level of production. Commercially, she also grew faster than other nations. Therefore Turkey leaned toward the new rising sun - U.S.A. and asked for aid. That country, instead, evolved a strategy more in the interest of Allied powers than Turkey. But it was directed against U.S.S.R.

On 2nd November 1945 the United States proposed four points along which the Convention could be revised. These included:

- (1) The Straits should be open to merchantmen of all nations in time of peace or war.
- (2) The Straits should in all circumstances be open to war vessels of the Black Sea Powers.
- (3) Passage through the Straits should be forbidden to war vessels belonging to other powers, except with the consent of the Black Sea Powers or in the execution of a mission under the authority of the United Nations.
- (4) Certain changes should be introduced to bring the New Convention up-to-date, such as substituting the 'United Nations Organisation' for the 'League of Nations' and eliminating Japan from among the Signatory Powers."⁵

Against this the Soviet Union proposed counter proposals on 7 August 1946. Her first two proposals were similar to proposals (1) and (2) of the United States. Proposal (3) of the Soviet Union was little different than that of the corresponding proposal of the United States. Proposal (4) and (5) of the Soviet Union differed radically from that the proposals of the United States. According to those two proposals, "the powers to formulate the regime of the Straits should be left to Turkey and the Black Sea Powers; and the Straits should be defended by the common means of Turkey and the Soviet Union. Turkish Government could see eye-to-eye with the first three proposals suggested by U.S.A. and U.S.S.R.; but refused to accept Proposal (4) and (5) of Soviet Union for the same

infringed upon the sovereign rights of the Turkish Government to use and control the Straits and the Sea of Marmara. In order therefore to defend her territories, Turkey had to willy-nilly spend more on defence than on economic development.

These developments in Eastern Europe in particular could not be lost sight of by the Allied powers. Most probably at this very stage some fears grew among Allied Powers about the maintenance of international peace and security. It was in this context per-se that the United Nations Organisation was substituted for League of Nations with its head quarters shifted from Geneva to New York in 1945; and its charter was established overtly with the objectives of guarantying international freedom, peace and security but covertly for purposes of polarization of Power and expansion of areas of influence, which tactics, in due course of time, came to be called as Neo-colonialism.

After the War, Soviet Union continued her territorial expansion policies unabated. In September 1945 it had been agreed in the Council of Foreign Ministers meeting at London that all foreign troops including those of the Soviet Union would be withdrawn from Persia by 2 March 1946. Soviet Union did not leave by that date. Instead, on the pretext of continued occupation of Persian territories, it dictated a treaty for joint Soviet Persian Oil Company with 51% shares for the Soviet Union. However, under odd circumstances the treaty was signed by Iran, and the Soviet Union withdrew and returned Azarbaijan in Part to Persia. But later Persia declined to abide by the terms of the treaty probably for (a) that it was per-se a dictated treaty and (b) that the U.S.A. and other Allied Powers of Western Europe were eager to hold the Oil Reserves of Iran.

By the end of 1947 the position of Soviet orbit was so explosive and horrifying that besides the territories of 262,533 square miles, that it had occupied at Baltic and other adjoining States during War, communist regimes had been installed in Albania, Bulgaria, Czechoslovakia, Finland, Hungary, Poland and Romania by all possible tactics - political as well as economic. Yugoslavia too had been enveloped in the Soviet camp. Although it quickly managed to break away from the Soviet Union in 1948, but continued to have communistic form of Government. Thus the need to contain Soviet expansionism and evolve strategies of neo-colonialism gained momentum.

By 1947, Soviet Union had also started taking keen interest in the communistic activities in Greece. "A

Communist controlled Greece would obviously flank the Straits and would provide a favourable position for the extension of the Soviet influence over Turkey and Italy... The western powers felt that if 'the Soviet gain Greece, Turkey will be open. If they gain the Middle East, they will hold the cross-roads between Europe and Asia and control the oil which is Europe's life blood, and America's last great reserve.'⁶ British Government therefore, in a state of bankruptcy wrote to the U.S.Government on 24 February 1947 that "economic necessity dictated the relinquishment of British financial and military burdens in Greece as from the end of the current financial year." Why Greece alone! British were in fact forced to relinquish her all responsibilities in her entire overseas empire. U.S.A. therefore, in her own interest, was obliged to step in to this void.

Truman Doctrine, as it was called, was therefore announced by the U.S.Government. The President asked the Congress to sanction \$400,000,000 by June 1948 - \$250,000,000 for Greece and \$150,000,000 for Turkey. Truman declared that, "If we falter in our leadership we may endanger the welfare of our nation." Early in May, the Congress approved the bill which was signed by the President on May 22, 1948.

This sort of a declaration of U.S.Government that it assumed the leadership suo-moto implied that it was assuming hegemonic posture over the world and sharing British responsibilities in Eastern Mediterranean and erstwhile British empire and elsewhere - Indian sub-continent included. It was at this stage that the fate of the people of Kashmir fell at the mercy of United States and Allied Powers when Kashmir Problem - a unique case of Neo-colonialism got hooked, when it was referred to the U.N.O. by Indian Government at the advice of Lord Mountbatten.

However, through the financial control of Greece and Turkey, U.S.A. could outflank the Soviet Union's position and contain her advance on to the oil reserves of the Near and Middle East. "If the Russians were to control Iran's oil," Truman wrote, "either directly or indirectly, the raw material balance of the world would undergo serious change, and it would be a serious loss for the economy of the Western World." No matter, if the wealth and resources of smaller nations in Middle East were devoured by them, they called it, 'defence of their freedom' and/or 'Peace and Security of small nations.' This was in fact a tussle between Soviet Union on one side and Allied Powers on the other for devouring the resources and wealth of small nations. Hegemony and the

desire to grow at the cost of others, therefore, created all sorts of problems in the world.

It was in this international political atmosphere that Kashmir issue was placed by the Indian Government, at the advice of Lord Mountbatten, before the Security Council on 1 January 1948. While pleading India's case before the Security Council in its 27th meeting held on 15 January 1948, the Indian representative Mr. Gopalaswamy, inter alia, said: "The question of the future status of Kashmir vis-a-vis her neighbours and the world at large and a further question, namely, whether she would withdraw from her accession to India and either accede to Pakistan or remain independent, with a right to claim admission as a Member of United Nations;... all this we have recognized to be a matter for unfettered decision by the people of Kashmir after normal life is restored to them... In accepting the accession they (Govt. of India) refused to take advantage of the immediate peril in which the State found itself and informed the ruler that the accession should finally be settled by a plebiscite being conducted if necessary under international auspices." (Official Records of the Meeting pp 29,30)

Again on 23 February 1948, Shri Gopalaswamy declared before the Security Council that: "As the Security Council is aware, the Govt. of India is fully committed to the view that after peace is restored and all people belonging to the State have returned there, a free plebiscite should be taken and the people should decide whether they wish to remain independent if they choose to do so."

On the face of it, these statements looked plausible, simple and unambiguous, with no intermingling of territorial claims over Kashmir. These pronouncements placed the people of Kashmir at a pivotal point for its decision and precluded any other method of solving the issue. Latent aspect of these statements, however, contained many sinical contrivances, which among others included:

(1) To cover the guilt of having occupied part of Kashmir by force; (2) To prevent Kashmir being placed under the Trusteeship Council of the U.N.O. by the Security Council, pending its settlement through Plebiscite under international auspices; and (3) To mark time for gradual integration of the State with India.

In the 27th meeting of the Security Council held on 15 January 1948, however, Pakistan submitted her reply of the Indian complaints to the Security Council in three documents. In the first document, it denied charges of the Indian Government that Pakistan was in any way

involved in instigating tribals to infiltrate in to Jammu and Kashmir. It denied of having supplied any military equipment, transport, supplies or facilities to the tribals, or having permitted her territory to be used by them for military operations. It further denied the charge of having abetted the aggression against Maharaja's Government. It also denied involvement of Pakistan army in the fray. In its second document Pakistan charged India, inter alia, of having conspired against the people of Kashmir to annex the State with India, and India's involvement in a well planned persecution of Muslims and genocide in Jammu and Kashmir by non-Muslim subjects and armed forces of Maharaja Hari Singh and Indian Union. Further it charged Indian Government that it had obtained accession of Jammu and Kashmir by fraud and violence.

Other complaints of Pakistan Government against India pertained, inter alia, to illegal occupation of Junagadh by India, disputes of Partition and withholding of Pakistan's shares of cash balances and military stores. Document third elaborated India Pakistan relations and their bearing on the Kashmir Problem.

Inter-se allegations of India and Pakistan apart, the question was as to who represented the people of Kashmir. India claimed Maharaja Hari Singh was the head of the State and his Government the true representative of the people. Immediately after the presentation of Kashmir issue at the U.N., Mr. Nehru, on 7 January wrote to Patel that Sheikh Abdullah be included in the Indian delegation at the U.N. Patel in his reply on the same day stated that he felt Abdullah's inclusion in the delegation might lead to some complication. "For instance, the Pakistan Government might press for an invitation to issue to the Head of the Azad Kashmir Government."⁷ Ipso-facto it meant that Azad Kashmir Government did exist in the State at that time. Pakistan, however, claimed that Maharaja's Government in Jammu and Kashmir was not a bonafide one, for it had already collapsed under the pressure of Azad Kashmir Government of Jammu and Kashmir. It claimed that Azad Kashmir Government was the true representative of the people of Kashmir. Another interesting point to note is that when Sheikh Abdullah was finally included in the Indian delegation to present Kashmir issue at the U.N., he was ridiculed by the representative of Pakistan there for having no bonafides. He could not, however, grind his Indian made axe over there.

After hearing the two delegations, the Security Council, however, in its first resolution of 17 January 1948 on Kashmir called upon Governments of India and Pakistan to

observe all possible restraint and desist from aggravating the situation any further. Simultaneously in its resolution of 20 January 1948, the Security Council decided to send a three member commission for on-the-spot investigation of the area in dispute (Kashmir), to study the situation set out in Indian complaint and Pakistan's counter complaint and exercise mediatory influence. After it was formed finally, the commission was to proceed to the spot as quickly as possible. Three members of this commission were to be nominated one each by Security Council, India and Pakistan. Nomination of members of this commission was not finalized by the Security Council for months together, with the result India could push back the Liberation armies of Azad Kashmir Government and tribesmen as far as it could and occupied large territories in Jammu and Kashmir by force in the meanwhile.

During the winter months of December, January and February, hilly terrain of Jammu and Kashmir including the Valley remains normally susceptible to snowfall, frost and chill cold conditions. Besides this natural factor, rudimentary type of infrastructures that were available in the State in 1947-1948 were constraints for the army movement. But Indian army did hit as hard as it could on the Kashmir Liberation Army and the tribesmen by intermittent bombardment. Liberation army or the tribesmen had no war planes and/or modern equipment with which they could counteract. Soon the winter season ended in Kashmir the "Defence Minister of India declared on 15 March 1948 in (Indian) Constituent Assembly that Indian army would clear Kashmir from (what he called) raiders in next two or three months."⁸

It will be interesting to note here that while Pakistan's case was being heard at the Security Council on 15 and 16 January 1948, there was a serious development in India. Pakistan's representative was, crying hoarse at the U.N.O. that India had left no stone unturned in strangling Pakistan at her very birth; and had, inter alia, withheld Pakistan's share of cash balances. India's top political leader Gandhiji had gone on indefinite fast two days earlier. His grievance to Government of India was that cash balances of Pakistan must be released forthwith. After 5 days he broke his fast on 18 January 1948, when he was assured by Mr. Nehru and other Congress leaders that Pakistan's cash balances would be released. But nay! his tendencies of rapprochement with Pakistan could not be tolerated. Only 12 days later on 30 January 1948 Gandhiji was shot in his chest by one Nathu Ram Godse - an Indian. This untimely killing of the top leader of India did heavily contribute in prolongation of the Kashmir issue at the U.N.O. and consequent animosity

between India and Pakistan. Whether this act was a part of machinations of interested agencies, one does not know; but this sort of an act must have fitted well with the scheme of things in the interested circles in India and abroad.

However, Indian onslaught on the Liberation armies and tribesmen got a fillip in March 1948 and continued unabated. This sort of a policy on the part of Government of India ran counter to the very spirit of the U.N. Resolution of 17 January and 20 January 1947 and exposed the real intentions of Indian leadership.

Developments on the Pakistan side were quite interesting. On 20 April 1948, when Indian assault in Kashmir was going on with full speed, the British Commander-in-Chief of Pakistan army, General Sir Douglas Gracy reviewed the whole situation and submitted a detailed report to Government of Pakistan. Concluding his observations he submitted: "...From this state of affairs, it is clear that very soon a big assault is to take place. If Pakistan does not want to be confronted with acute refugee problem in excess of 2.75 million desperate refugees (existing); if it is not to permit India to have a sway over the mausoleum of Pakistan at the back and flank, whenever it wanted to enter Pakistan; if it wanted to establish confidence in the civil and military (circles); and if it is not to give access to disruptive forces in Pakistan; then it is indispensable (for Govt. of Pakistan) not to permit Indian army to make advances beyond Uri, Poonch and Nowshera line (in Jammu and Kashmir)."⁹

It need be recalled here that Governor General of India Lord Mountbatten had at the beginning of this conflict taken a stand that "the risk of Pakistan also sending troops would be considerable; and if that occurred then two Commonwealth armies, each trained and led by British Commanding officers would have had for the first time in history to face one another on the field of battle. It would have been so ignominious, so utterly intolerable a conclusion to his last chukka in India."¹⁰ General Gracy had refused to accept the orders of his Governor General of Pakistan to send troops to Kashmir to face Indian aggression on Kashmir. He had told Pakistan Government in October 1947 that "he was not prepared to issue instructions which would inevitably lead to armed conflict between the two Dominions and the withdrawal of British officers, without the approval of the Supreme commander (Field Marshal Auchinleck)."¹¹ Auchinleck had then flown immediately from Delhi to Lahore on the second day of Indian intervention in Kashmir i.e. on 28 October 1947,

and had in accompaniment of General Gracy, who received him at the Lahore airport, confronted Jinnah and persuaded him to withdraw his orders of sending Pakistan army to face Indian army in Kashmir.

After permitting India to gain as much territory in Kashmir as she could over a period of six months (October 26, 1947 to April 20, 1948), the same British Commander-in-Chief of Pakistan army General Gracy who moved heaven and earth to avoid armed conflict between the two Dominions, was found very much concerned on the advances of Indian army and recommended Pakistan army intervention in Kashmir and confrontation with Indian army. A question therefore arises as to why did he do so at this stage? Why didn't he agree to do the same action when the evil would be nipped in the bud. Note that on 27 October, 1947 Jinnah had desired him to fight to the finish. In all probability Kashmir would have been taken over, for the strength of Liberation armies in Kashmir was at the zenith and Maharaja had himself said to have lost Kashmir. But now the position was different. Gracy now wanted Pakistan army to intervene and stop further advances of Indian army at Uri, Poonch and Nowshera; which ultimately happened to become the Cease-fire line. It may be argued that Pakistan army had no arms and ammunition six months before and now the same had been procured from abroad, there was reason to take such action. True, but why draw a line where the Indian army be stopped. Why were not the orders given to fight and push Indian army back as far as the Pakistan army in association with Kashmir Liberation army could? Note that only one day after General Gracy submitted his report to Government of Pakistan, the Security Council adopted a resolution, which in due course of time, stopped the armies of India and Pakistan from further action almost on the same line which General Gracy had already indicated in his report to Pakistan Government.

The Security Council adopted a resolution on Kashmir on 21 April 1948. It was of a recommendatory nature drawn by Belgium, Canada, China, Colombia, France, Great Britain and the United States. Soviet Union was conspicuous by its absence. China, as is known, was U.S. ally in 1948, when this resolution was adopted.

Salient features of this resolution are, however, reproduced ut-infra:-

(1) Security Council noted with satisfaction that both India and Pakistan desire that the question of accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and

impartial plebiscite.

(2) India and Pakistan should do their utmost to bring about a cessation of all fighting.

(3) Membership of the Commission established by U.N. Resolution of 20 January 1948 be increased from three to five and its role be extended from investigation to Mediatory efforts.

(4) Government of Pakistan should undertake to use its best endeavour to secure withdrawal of non-residential tribesmen and Pakistani nationals, who have entered the State for purposes of fighting, and to prevent any intrusion in to the State of such elements and any furnishing of material aid to those fighting in the State.

(5) Government of India should use and should ensure that the Government of the State also use their best endeavours to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose.

(6) Government of India should reduce her forces progressively from the State to the minimum strength required for the support of Civil power in the maintenance of law and order. The presence of the troops should not afford any intimidation or appearance to the inhabitants of the State, and that as small a number as possible should be retained in forward areas.

(7) Government of India should agree that a nominee of the Secretary General of the United Nations will be appointed to be the Plebiscite Administrator, who would act as an officer of the State of Jammu and Kashmir with an authority to nominate fully qualified persons with authority to act as special magistrates and other assistants. Plebiscite Administrator shall have also authority to draft resolutions governing the plebiscite. Government of India shall also make available assistance of Indian forces to the Plebiscite Administrator if and when asked for purpose of performance of his functions.

(8) Government of India should undertake to prevent and to give full support to the Plebiscite Administrator and his staff in preventing any threat, coercion or intimidation, bribery or other undue influence on the voters in the plebiscite, and Government of India should publicly announce and should cause the Government of the State to announce this undertaking as an international obligation binding on all public authorities and officials in Jammu and Kashmir.

(9) That the Government of India and Government of Pakistan create conditions congenial for holding the plebiscite.

(10) Government of India should ensure that Government of the State release all political prisoners and take all

possible steps so that all citizens of the State who have left it on account of disturbances are invited and are free to return to their homes and to exercise their rights as such citizens without victimization; and minorities in all parts of the State are accorded adequate protection.

(11) The Commission should establish in Jammu and Kashmir such observers as it may require for any of the proceedings.

From this resolution, it is *inter alia* inferred that:

(a) Plebiscite has been recognized by the United Nations as the solution agreeable to both Pakistan and India, and therefore a *sine-quo-non*;

(b) The onus of holding the Plebiscite rested exclusively on the United Nations. India and the State Government were to perform the subordinate role to the U.N. for accomplishing the task of holding an impartial plebiscite free from victimization, intimidation, bribery and other malpractice; and

(c) Kashmir State was to be demilitarized for purposes of achieving congenial atmosphere required for the plebiscite. Only a small portion of Indian troops which might be required by the Plebiscite Administrator for holding free, fair and impartial plebiscite in a peaceful atmosphere would be retained in the State.

At the same time in April 1948, Pakistan proposed to Soviet Union to have diplomatic relations *inter-se*, to which Stalin warmly reciprocated; and invited Prime Minister Liaquat Ali Khan to visit Moscow. But when in May that year, Stalin granted *de jure* recognition to Israel, there were demonstrations in Pakistan against U.S.S.R., and the misfortune befell the very first venture of Liaquat.

At the United Nations, however, Security Council adopted another resolution on Kashmir on 3 June 1948, whereunder it "directed the Commission to proceed without delay to the areas of dispute with a view to accomplishing in priority the duties assigned to it by the Resolution of 21 April 1948," read with Resolution of 20 January 1948. It was at this stage that the British Governor General in India, Lord Mountbatten, in whose time this problem took roots in the sub-continent, left India for good on 21 June 1948. He was succeeded by Shri Rajagopalachari - an Indian.

Notwithstanding the change in the strength of United Nations Commission for India and Pakistan (U.N.C.I.P.) from three to five members, its nomination and selection

was unusually delayed first by three months (20 January to 20 April) and then by another about two months. Procrastination of the formation of the Commission could, inter alia, be attributed to the machinations of Allied Powers who held sway on the U.N.O. in those lean years of that organisation. However, when it was finally set up, Argentina was nominated by Pakistan, Czechoslovakia by India, Colombia and Belgium by the Security Council and U.S.A. by the President of Security Council. This, inter alia, meant that India chose the member from the Soviet camp and other four countries were all non-communist countries.

After the U.N.C.I.P. was finally formed, it arrived in Karachi on 7 July 1948 and started its work. Contrary, however, to earlier U.N. Resolutions of 17 January and 20 January 1948, material changes had already taken place in the situation, partly on account of procrastination in setting up the Commission and partly due to the vested interests of India, Pakistan and major powers of the world. These material changes in the situation firstly included improvements in the communication systems required for fast implementation of Plans for occupying territories by force in Jammu and Kashmir by India. It was on the same day when the Commission arrived in the sub-continent i.e. 7 July 1948, that a new all weather road was opened between Pathankot (India) and Jammu by Pandit Nehru, primarily for movement of military equipment and annexation of the State with India. Material change in the situation had also occurred in respect of occupation of vast territories of the State by Indian army. Srinagar, Baramulla, Sopore, Handwara, Kupwara and other areas around had been set ablaze by the Indian army and air force. Indian artillery, machine guns and armed forces had poured in the valley at an accelerated pace ever since October 1947. Gorilla warfare had lessened, which probably indicated that major component of tribesmen who had infiltrated from across the border had withdrawn. Liberation Army of the Azad Kashmir Government, who were trained enough continued to fight, although it had received a heavy set back due to bombardment by Indian air force and had retreated back by a considerable distance.

On their on-spot investigation U.N.C.I.P. further learnt that Pakistan Government had also pushed her regular troops in to the State by then. Speaking on the Pakistan army intervention in Kashmir State, the Prime Minister of Pakistan later clarified his Government's position before his Parliament in these words: "The Pakistan Army had, in answer to the desperate appeals of the Azad Kashmir people after the all-out offensive launched by India in

the Spring of 1948, and in defence of Pakistan's own vital interests, moved in, to hold certain defensive positions in May 1948."

Did these developments in Kashmir contribute bringing about peace in the sub-continent or that the Plans of Allied powers were being applied partly through their army Generals in the armies of India and Pakistan and partly through the United Nations, is not known. One view is that if the U.N. would not have intervened, things would not have turned worst. It would have no doubt caused destruction but certainly not so much as was caused due to keeping this issue hanging in the balance for so long. The matter would have taken a different shape altogether, and the global powers in all probability would have lost effective hold on the jugular veins of economies of the two countries. That would not obviously fit well with the situation that was emerging in the world, more particularly with the strategies of U.S.A. and Allied Powers which were being evolved against U.S.S.R. Another view is that it was, under the circumstances, expedient to ensure peace and establish democratic process in different parts of the world as against communism and the proposal of a plebiscite in Kashmir was therefore adopted by all freedom loving countries when U.S.S.R. abstained. Both these view points, of course, are of substantial significance; but if the Kashmir Issue was linked with the interests of global powers, U.S. and her allies would not, in that case, like to displease India in particular as much as to push her in the sphere of influence of U.S.S.R. and/or Communism. India, as is described hereinafter in detail, assumed pivotal position in Containment Policy of Communism evolved by Allied powers in late 1940s and 1950s'. U.N. Resolutions of any significant value, even after they were accepted by India and Pakistan obviously fell in doldrums because the vested interests of Allied powers were involved.

However from the view point that the U.N.O. sincerely desired to solve the issue by peaceful means without, in any way, playing with human rights, which principle is normally recognized as supreme by the democratic world, U.N.C.I.P. took stock of things in Kashmir and evolved a resolution on 13 August, 1948 - more than seven months after the issue was referred to United Nations. U.N.C.I.P. Resolution of 13 August 1948 directed the two countries to cease fighting forthwith and reiterate their stand in respect of solving the issue by impartial plebiscite under the auspices of United Nations. This Resolution reads as:

The U.N. Commission for India and Pakistan,

'Having given careful consideration to the points of view expressed by the Representatives of India and Pakistan regarding the situation in the State of Jammu and Kashmir'; and

'Being of the opinion that the prompt cessation of hostilities and the corrections of conditions the continuance of which is likely to endanger international peace and security are essential to implementation of its endeavours to assist the Governments of India and Pakistan in effecting a final settlement of the situation',

Resolves to submit simultaneously to the Governments of India and Pakistan the following proposal:

PART I. Cease-fire Order:

A. The Governments of India and Pakistan agree that their representative High Commands will issue separately and simultaneously a cease-fire order to apply to all force under their control in the State of Jammu and Kashmir as of the earliest practicable date or dates to be mutually agreed upon within four days after these proposals have been accepted by both Governments.

B. The High Commands of the Indian and Pakistan forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir.

(For the purpose of these proposals "forces under their control shall be considered to include all forces, organized and unorganized, fighting or participating in hostilities on their respective sides)

C. The Commanders-in-Chief of the forces of India and Pakistan shall promptly confer regarding any necessary local changes in present dispositions which may facilitate the cease-fire.

D. In its discretion and as the Commission may find practicable, the Commission will appoint military observers who under the authority of the Commission and with the cooperation of both commands will supervise the observance of the cease-fire order.

E. The Govt: of India and the Govt: of Pakistan agree to appeal to their respective people to assist in creating and maintaining an atmosphere favourable to the promotion of further negotiations.

PART II. Truce Agreement

Simultaneously with the acceptance of the proposal for the immediate cessation of hostilities as outlined in

Part I, both Governments accept the following principles as a basis for the formulation of a truce agreement, the details of which shall be worked out in discussion between their Representatives and the Commission.

A

1. As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State.

2. The Government of Pakistan will use its best endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting.

3. Pending a final solution, the territory evacuated by the Pakistan troops will be administered by the local authorities under the surveillance of the Commission.

B

1. When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in Part II, A-2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistan forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of their forces from that state in stages to be agreed upon with the Commission.

2. Pending the acceptance of the conditions for a final settlement of the situation in the State of Jammu and Kashmir, the Indian Govt: will maintain with the lines existing at the moment of the cease-fire those forces of its Army which in agreement with the Commission are considered necessary to assist local authorities in the observance of law and order. The Commission will have observers stationed where it deems necessary.

3. The Government of India will undertake to ensure that the Govt: of the State of Jammu and Kashmir will take all measures within their power to make it publicly known that peace, law and order will be safeguarded and that all human and political rights will be guaranteed.

C

1. Upon signature, the full text of the Truce Agreement

or a communique containing the principles thereof as agreed upon between the two governments and the Commission will be made public.

PART III

The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the Truce Agreement, both Governments agree to enter in to consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured.

In sum and substance this resolution recommended to the Governments of India and Pakistan that (1) they issue Cease-fire order to their High Commands, (2) they undergo a truce agreement inter-se, and (3) if they were sincere in their earlier commitments of solving this issue by plebiscite, they should reaffirm their wish to that effect and for that purpose create a harmonious atmosphere. It did not say anything about the responsibility of organizing, administering and conducting the Plebiscite. That part of the Issue had already been dealt in earlier U.N. Resolution of 21 April 1948. Under paragraphs numbering A-3 and B-2 of part II of this resolution, however, local authorities in Pakistan controlled Azad Kashmir (PCAK) are identified only for purposes of playing a subservient role and to help in maintaining law and order required for holding free and fair Plebiscite by the U.N.O. under peaceful conditions. This resolution does not at all deal with the recognition of any local authority or Government in the State either in Indian held Kashmir (IHK) or PCAK. That sort of a position could come to the surface only after the plebiscite was held and a bonafide State Government formed.

Only about a month after adoption of August 13 U.N. Resolution, however, the top most leader of Pakistan, Qaid-i-Azam Ali Mohmad Jinnah died on 11 September 1948, which event installed yet another set back to the settlement of Kashmir issue. Another set back to Kashmir issue was installed again in the same month, when India occupied Hyderabad by force. Hyderabad had about 80% Hindu population and its ruler was a Muslim. Like Maharaja of Kashmir he wanted to remain independent. He had undergone a Stand Still agreement on 19 November 1947 with India, which specified the provisions of close association and amity inter-se. Simultaneously however, there had started an uprising of the Hindu majority against its Muslim ruler. Nizam of Hyderabad as he was

called followed the footsteps of Maharaja of Kashmir and tried to crush the revolutionaries in his State, which India protested against. Charges and counter charges against the Stand Still agreement ensued. In August 1948 Nizam of Hyderabad sent a delegation to the Security Council with a complaint against the intervention of India in the affairs of Hyderabad. Nizam also requested the American President to arbitrate. Two days before the expiry of Ali Mohmad Jinnah of Pakistan, who had most unduly remained adamant for the independence of Hyderabad and had in fact lost Kashmir in consequence, Government of India decided to send troops to Hyderabad. In the garb of what India called Police Action, India attacked Hyderabad on 13 September 1948 and captured the same in about a week's time. Nizam surrendered and India made him to withdraw the Hyderabad case from the Security Council to which a delegation had earlier been sent.

It was not, however, till winter season set in the State and further military operations got hampered due to snowy, freezing and chill cold conditions, that India and Pakistan communicated their acceptance of this U.N. Resolution in the last week of December 1948 - more than four months after adoption of the Resolution. During this period undeclared war between India and Pakistan in Kashmir continued. Sometimes one side would make advance and sometimes another. Mutatis mutandis in accordance with the report that General Gracy had submitted to Govt. Of Pakistan in support of military intervention in Kashmir, Indian army advances were stopped by Pakistan army on the south and west sides of the State at Uri and Teetwal. Eastern parts of Poonch and Nowshera, however, fell in the hands of Indian army. The road going from Srinagar through Zogila to Kargil which connects Ladakh was also taken over by the Indian army.

While Governments of India and Pakistan communicated their acceptance of U.N. Resolution of 13 August on 23 December and 25 December respectively, General Butcher, Commander-in-Chief of Indian army with the approval of Pandit Nehru, proposed to General Gracy on 30 December 1948 that they should cease hostilities simultaneously on both sides. General Gracy agreed with his proposal and Government of Pakistan accepted. Cease-fire in Kashmir therefore came in to effect from 1st January 1949 - fourteen months and seven months after military interventions by India and Pakistan in Kashmir respectively, and one full year after the Kashmir issue was referred to the Security Council. It aroused, in the Liberation forces of Kashmir, naught save repugnance, for they were placed at the mercy of United Nations for attaining freedom from alien Hindu rule. Without any further loss of time

however, the Security Council, pinned the two countries India and Pakistan down to their first commitments of settling the issue by reference to the people under U.N. auspices in Kashmir. It adopted another resolution in the series on Kashmir on 5 January 1949, which also met the acceptance of the Governments of India and Pakistan. This Resolution reads as under:

**RESOLUTION OF THE COMMISSION
of JANUARY 5, 1949**

The United Nations Commission for India and Pakistan, Having received from the Governments of India and Pakistan, in communications dated 23 December and 25 December 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's Resolution of 13 August 1948.

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite;
2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Part I and II of the Commission's resolution of 13 August 1948, have been carried out and arrangements for the plebiscite have been completed;
- 3 (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Govt: of Jammu and Kashmir.
- (b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.
- (c) The Plebiscite Administrator shall have authority to appoint such staff of assistants and observers as he may require.
- 4 (a) After implementation of Part I and II of the Commission's resolution of 13 August 1948, and when the commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.
- (b) As regards the territory referred to in A-2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the

Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal political elements of the State will be required to cooperate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.

6.(a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of the nominees of Pakistan. The Commission shall operate under the directions of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision into effect.

(b) All persons (other than citizens of the State) who on or since 15 August 1947 have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the State of Jammu and Kashmir will undertake to ensure, in collaboration with the Plebiscite Administrator, that:

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in the Plebiscite;

(b) No restrictions are placed on legitimate political activities throughout the State. All subjects of the State, regardless of creed, cast or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection; and,

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the U.N. Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

9. At the conclusion of the Plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Govt. of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the Plebiscite has or has not been free and impartial;

10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultations envisaged in Part III of the Commission's

resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations;

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of 1 January 1949, pursuant to the agreement arrived at as provided for by the Commissions resolution of 13 August 1948; and Resolves to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948 and by the foregoing principles.

The theme of this resolution is the same as that of the Resolution of 21 April 1948 on Kashmir, salient features of which have been described hereinbefore. Free and impartial plebiscite under the auspices of U.N.O. has been recognized as the pivotal point of Kashmir issue and a sine-quo-non. This particular Resolution has been accepted by the Governments of India and Pakistan in 1949. Why has not this Resolution been implemented for the past more than four decades? Why have the accepted international standards of conduct, civil standards of democratic, socialistic, communistic and even autocratic systems in the world and all ethical values been abused and grossly violated? Was it the ethos of the changing international situation and/or built in the system that all human values were incessantly defied on one pretext or the other for such a long period? Who was responsible for non-implementation of this Resolution, which has, by dint of its acceptance by India, Pakistan and the United Nations, greater importance than an international agreement? May be it was the reluctance and intransigence of India or Pakistan that obstructed its implementation. May be the delay was caused by the Global Powers and Cold War conditions and the ethos created by them or by the influential elements in the U.N.O. or by the voiceless subjects of Jammu and Kashmir themselves. May be all of them are responsible in varying proportions. This need be, as far as possible, located so that the peoples of the world in general, Global Powers, United Nations Organisation, Human Rights Commission, Amnesty International, International Courts etc. may take heed and give amends and improve the world order in the best interests of teeming enslaved millions of people in various parts of the world including Kashmir. This sort of multi-lateral investigation therefore suggests at least a brief look at the international situation that prevailed from late 1940s' till the beginning of 1992, in juxtaposition with India Pakistan relationship and their combined effect on Kashmir issue.

It has already been stated that during and after World War II up to the ending 1947 Soviet orbit had either enveloped and/or brought under her influence Estonia, Latvia, Lithuania, Yugoslavia, Albania, Poland, Finland, Hungary, Romania, Bulgaria, Austria and Democratic Republic of Germany. Further she had started making inroads in to the affairs of Turkey, Greece and Oil Reserves of Persia. Against this sort of Soviet hegemony, U.S.A. in collaboration with other allied Powers of Western Europe, introduced the policy of Containment of Communism. Truman Doctrine, salient features of which have been briefly described already, was a first step taken by the U.S.A. in the direction of Containment of Communism in Europe. Marshall Plan was yet another step taken by U.S.A. in that direction. It was, per-se an economic plan for reconstruction of West European countries so that they could stand solidly against the Soviet Union. It put the initiative of reconstruction in the hands of European allies themselves, which made it acceptable to them.

Early in 1948, several treaties of friendship, cooperation and mutual assistance between the Soviet Union and the East European States like Romania, Bulgaria, Hungary and Finland were signed at Warsaw. Czechoslovakian Government was toppled by a coup d'etat. To counter-act American hegemony in Persia, Soviet Union protested that American Military mission be withdrawn from Persia. Ideological differences, suspicion, mistrust and above all the desire to usurp the resources of smaller nations and grow in power led to formation of military alliances. Seemingly to thwart the spread of Communism any further in Europe and safeguard their independence, Britain, France, Belgium, Netherlands and Luxembourg signed a treaty at Brussels for mutual assistance in political, economic and military matters. In June 1948, the Communist Information Bureau (COMINFORM) was established. Thus the Cold War between the Soviet Union and East European allies on one side and U.S.A. with her West European allies on the other, started with full fury. Retaliatory action of the U.S.A. against Soviet Union extended beyond Europe when North Atlantic Treaty was signed in Washington by Canada, Denmark, Ireland, Italy, Norway, Portugal, U.S.A. and the five Brussels Powers stated above. Again the primary objective of this treaty was to thwart the spread of Communism and influence of U.S.S.R. any further in to the North Atlantic area, and ensure its security and stability. It was to strengthen the defence of Western Europe against the Soviet Union's military threat.

In this political atmosphere of the world, U.N.C.I.P. .

requested India and Pakistan in March 1949 that they submit their plans for withdrawal of forces from Kashmir. According to Feroze Khan Noon, one time Prime Minister of Pakistan, this request was accepted by Pakistan and rejected by India. Apropos, however, to the Cease-fire Resolution of 13 August 1948, the Military Representatives of India and Pakistan did establish a Ceasefire line in Jammu and Kashmir on 27 July 1949, which action was, mutatis mutandis, similar to Berlin, Palestine and Korea. The position of territories as it emerged out of this Ceasefire line, is shown on Map No. 2. It was in mid 1949, that Liaquat Ali Khan, unwittingly, visited United States, when there was standing invitation from Moscow as well. United States and Great Britain were, at that given point of time, busy in implementing their plans of containment against Soviet Union through NATO, which became a complete bastion against Soviet Union and her allies; when it came in to being on 24 August 1949 after the last of seven essential ratification of U.S.A., Canada and the Brussels Powers was received.

In order to realize the objectives articulated in U.N. Resolution of 5 January 1949, it was expected that the U.N.O. would get it implemented. But misfortune befell on it at the very first venture. International situation in the year 1949 proved detrimental to the expected progress of Kashmir issue. China under Chiang Kaishek's rule and erstwhile India were deemed to be the twin pillars of United States and her allies' in their South East Asian Policy. With the independence of India and Pakistan, communist revolution in China assumed alarming proportions, and it was on 1 October 1949 that Mao-Tse Tung emerged victorious. An important pro-American pillar against Soviet Union was therefore lost. One misfortune was on the heels of another for the Allied Powers. A nation with about 20 percent of the World's population turned communist. It is not, however, to suggest that this was a sudden development, for it did not happen overnight. Revolution of any such sort normally takes years. Therefore this eventuality must have been anticipated or apprehended and planned for by the U.S.A. and her allies much earlier. Creation of Kashmir Problem in the sub-continent and its reference to the UNO at the insistence of Lord Mountbatten could have been an important variable in the policy of Containment of Communism in Asia. United States and her allies, being fully seized with the behaviour and hollowness of Indian claims, overlooked the territorial aggrandizement of India in Kashmir, Junagadh and Hyderabad; which factor was used to bind this country not to oppose the line of United States in international matters; and the newly born immature and weak country of Pakistan was kept under

control and surveillance through military alliances and arms aid of no special significance. That strategy made the Kashmir issue susceptible to international politics and resulted inter alia in the immense loss of human lives and incessant misery in Kashmir State. United States could not therefore displease any of these two countries. Special relationship of U.S.A. with both India and Pakistan was therefore indispensable in her own interest and the United Nations was used in that direction.

In order to keep the two countries within the framework of policy plans of Allied Powers, therefore Kashmir issue was to be used as a lever and dealt with special caution, even if it meant to put it in cold storage intermittently. It is most interesting to note that "when in 1949 India agreed to remain in the British Commonwealth, the New York Times hailed the decision as 'an historic step, not only in the progress of the Commonwealth but in setting a limit to Communist conquests and opening the prospect of a wider defence system than the Atlantic bloc.'"¹² But immediately after the Communist victory in China, Govt. of India adjusted its foreign policy. Speaking on the foreign policy on 17 October 1949, Prime Minister of India said: "The main objectives of that policy are the pursuit of peace, not through alignment with any major power or group of powers but through an independent approach to each controversial or disputed issue."¹³ This sort of policy did not, obviously fit well with the policy of containment of communism and with, what New York Times had called, the 'opening the prospect of wider defence system'. Foreign Policy statement of the Prime Minister of India at this juncture was an indication that India refused to be inveigled in the Cold War. Yet United States and/or her allies could not venture to displease India and provide her an opportunity to go in to the lap of the communist camp.

Taking full advantage of the strategical and political importance that India gained in the policy plans of both Soviet Union and the United States in consequence of China emerging on the globe as another communist power in its neighbourhood, Mr. Nehru used the situation to the hilt in pushing forth his ambition of annexing Kashmir State with India by gradual assimilation. It therefore developed a sordid ethos, which resulted, inter alia, in to a deadlock on Kashmir issue. Negotiations of the five member U.N.C.I.P. ended in smoke, about 11 months after the adoption of 5 January 1949 resolution by the Security Council. The Commission reported to the Security Council that it could not make any headway on vital issue of withdrawal of Indian and Pakistani forces from Kashmir,

which was the cardinal factor in the U.N. resolution of 5 January 1949 accepted by both India and Pakistan. The Commission recommended that the Security Council appoint a 'mediator with broad authority and undivided responsibility' for bringing the two governments together on all important issues.

Apropos to that report, the Security Council appointed a mediator by name General Mc Naughton of Canada on 17 December 1949 who happened to be the president of the Council at that time. Mc Naughton formulated a plan for demilitarization of the State which according to 5 January 1949 resolution was a sine-quo-non for holding a plebiscite in the State. This plan was submitted to Governments of India and Pakistan for their acceptance. The proposals included:

- (1) The withdrawal of regular forces of Pakistan and the withdrawal of regular forces of India not required for the maintenance of security and law and order on the Indian side of the cease-fire line;
- (2) Reduction of local forces including, on the one side, the armed forces and militia of the State and on the other side, the Azad Kashmir forces; and
- (3) The northern area which is also included in the programme of demilitarization and its administration to be carried on by existing local authorities subject to U.N. supervision.

While Pakistan accepted Mc Naughton Plan, India declined to accept. Govt. of India stated that, "Present proposals eliminated the sovereignty of the Jammu and Kashmir state from the area on the other side of the cease-fire line; the administration of these areas by the 'existing local authorities was recognised; the consolidation effected by the Pakistani troops was allowed to remain; and the disarming and disbanding of the Azad Kashmir forces was neutralized by the similar disarming and disbanding of the State forces and State militia and the claim made by the Govt. of India in respect of the northern area was dismissed."¹⁴

Prima-facie all these objections of Govt. of India appeared to be inapt and evasive; because the questions like sovereignty, bonafides of the State Government, Azad Kashmir Govt. and local Authority of Northern areas; the consolidation effected by Indian or Pakistani troops on either side of Ceasefire line; and the claims of India and Pakistan on any part of the State, had not at all been touched in the U.N. Resolution of 5 January 1949. It may be noted that clause 5 of this resolution refers to 'All civil and military authorities', and clause 7 refers

to 'All authorities within the State of Jammu and Kashmir'. It is therefore very clear that 'All authorities' that existed in Jammu and Kashmir State on either side of Ceasefire line were to cooperate and collaborate with the Plebiscite Administrator in evolving a peaceful atmosphere required for free, fair and impartial plebiscite to be conducted under the auspices of Plebiscite Administrator to be nominated by the U.N. General Secretary with the agreement of the Security Council. Paragraph A-3 of the Part II of 13 August 1948 U.N. Resolution reads as:

"Pending a final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission." This U.N. Resolution too had been accepted by both India and Pakistan.

Mc Naughton proposal of simultaneous disarming and disbanding of local forces on either side of Cease-fire line had nothing to do with each other's claim on any part of the State. Disarming and disbanding of forces of all sorts would obviously reduce the threat, coercion or intimidation element from the Plebiscite exercise. Therefore all these objections on the part of Govt. of India constituted going back to its commitment of settling the issue by free and impartial Plebiscite and tantamounted to flagrant violation of accepted international standards of conduct and civil standards of democracy, which India had oft claimed ever since its creation.

General Mc Naughton, however, submitted his final report to the Security Council on 13 February 1950 and Security Council adopted another resolution on Kashmir on 14 March 1950, whereunder Sir Owen Dixon of Australia was appointed as a new U.N. Mediator for India and Pakistan. Soon some important development took place. Cooperation between the Soviet Union and China ended in mid 1950 and Korean War also broke out in June 1950 and engaged the attention of global powers and the parties involved in that war. But Sir Owen Dixon in the meanwhile formulated his own proposals for demilitarization of Kashmir State and submitted the same to the Governments of India and Pakistan in July 1950 for their acceptance. His proposals included:

- "(1) Withdrawal of the Pakistan army to begin on a specified date as a first step towards demilitarization.
 - (2) Commencement of the withdrawal of the Indian regular Army after 'a significant number of days' had elapsed.
- Withdrawal or disarmament and disbandment of Jammu and

Kashmir state forces.

(3) Disarming and disbanding the Azad Kashmir forces and the Northern Scouts.

(4) The forces that either party might need after demilitarization, and pending plebiscite, to be determined, according to parties, by the Chiefs of Staff in consultation with the U.N. Military Advisor."¹⁵

Owen Dixon also made a study of the area in dispute and succeeded in arranging a conference of the Prime Ministers of India and Pakistan, where he put forth the following two alternative proposals for settlement of Kashmir issue:

(1) A Plan for taking the plebiscite by Sections or Areas and the allocation of such section or area according to the result of the vote therein.

(2) A plan by which it was conceded that some areas were certain to vote for accession to Pakistan and some for accession to India and by which, without taking a vote therein, they should be allotted accordingly and the plebiscite should be confined only to uncertain areas which Dixon said, appeared to be the Valley of Kashmir and perhaps some adjacent country.

Dixon added that "it would be necessary to agree that if the result was to put the upper waters of the Chinab River in to the control of India she would not divert them by artificial works so that Pakistan would receive a sensibly reduced volume of water."

Before holding the Prime Ministers conference, Dixon had first "urged upon the Govt. of Pakistan the view that by coming to a conference to discuss an alternative possible settlement they could not be held to abandon their main contention (that the fate of the entire State of Jammu and Kashmir should be decided by an overall plebiscite). .. The purpose of the conference was by discussion to define what things the parties were respectively prepared to concede and upon what things they took a fixed position. It was enough that the basis of settlement to be discussed was a limited plebiscite and partition of the rest of the State."¹⁶

On the basis of second alternative proposal of Sir Owen Dixon stated as above, probably Jammu, Kathua, Udhampur and the Hindu majority areas on Ladakh side in Indian held Kashmir could merge with India. The Azad Kashmir along with Muslim majority areas of Pooch, Rajouri, Mendhar etc. could merge in to Pakistan. A plebiscite could be held in the Kashmir Valley and the adjacent country which Dixon did not specify. Probably the

adjacent country meant the Muslim majority areas of Kargil and/or Doda district. It may be pointed out here that the cardinal principle of composition of population formed the basis of partition under Dixon Plan as was adopted in the case of partition of erstwhile India. The difference, however, was that the partition proposals of erstwhile India were macro-based while the proposal of partition of some parts of Kashmir was micro-based. Plebiscite proposal of Kashmir Valley and adjacent country under Dixon Plan had similar basis as that of the plebiscites in Frontier Province and Sylhet District in Assam, where Nehru had insisted that Muslims of those areas followed their nationalist Muslim leaders and favoured accession to India against the principle of composition of population established elsewhere in India.

Pakistan, however, apprehended that plebiscite in Kashmir Valley could not be free, for Abdullah's Government imposed by India in October 1947 had wrought havoc against pro-Pakistan and/or anti-Indian elements in Kashmir - broad spectrum of which has been given in the next chapter on Step by Step Colonial Domination of Indian-held Kashmir. Sir Owen Dixon, therefore, gave the assurances to Pakistan that his plan contained the provision 'for the purpose of securing the fairness of the plebiscite and its freedom from any suspicion of intimidation', and informed the Prime Minister of India by telegram accordingly. In his report dated 15 September 1950 to the Security Council, Dixon, in this behalf stated:

"I asked him (Nehru) to inform me if he was of the opinion that the inclusion in my plan of such a provision in order to secure the freedom and fairness of the plebiscite made it impossible for him to accept the plan as a whole. Otherwise I requested him to name a date for the meeting.

The Prime Minister of India answered by telegram expressing an emphatic refusal to agree to any such provision... In the end I became convinced that India's agreement would never be obtained to demilitarization in any form or to provisions governing the period of plebiscite of any such character, as would in my opinion, permit the plebiscite being conducted in conditions sufficiently guarding against intimidation and other forms of influence and abuse by which the freedom and fairness of the plebiscite might be imperilled."

Thus were the intentions of Govt. of India brought in the lime light by Sir Owen Dixon under this phase of U.N.

mediation. However Sir Owen Dixon also resigned to mediate on Kashmir issue any further.

At this given point of time, Abdullah - the then cat's-paw of Nehru, had submitted a Land Reforms scheme to the so-called Regent of Kashmir, and Govt. of India had unduly intervened; which had annoyed Abdullah. He also had a discussion with U.S. Ambassador in India which was construed as some plot being worked out by him against India. Since the world attention was diverted towards the outbreak of Korean war, Indian Government wanted to take advantage of that situation and initiated a move to by-pass Kashmir issue from the U.N.O. The Dy. Prime Minister of India Mr. Patel wrote a letter to Nehru on 3 July 1950, in which he, inter alia, stated: "...in the world situation today, I agree with you that a plebiscite is unreal. Not only that it would be positively dangerous because my own feeling is that once the talk starts, the non-Muslims in Jammu and Kashmir would start feeling uneasy and we might be faced with an exodus to India. This would be an additional point to emphasize in respect of our stand that the conditions preliminary to plebiscite should be fully and effectively fulfilled before we can talk of it."¹⁷

That being the strategy at home, Indian Government on the other hand posed itself as sincere and democratic to outside world. The Prime Minister of India in a telegram dated 16 August 1950 addressed to the U.N. representative for India and Pakistan, wrote: "We have not opposed at any time an overall plebiscite for the State as a whole..."

On 27 October 1950 National Conference, under the leadership of Sheikh Abdullah, on the advice of Govt. of India, adopted a resolution recommending that the (so-called) Constituent Assembly be convened for the purpose of determining 'the future shape and affiliation of the State.' In this ostensible move, it is interesting to note that a bait of ouster of Hari Singh had been thrown to Abdullah who was at daggers drawn with him from the very beginning. On Abdullah's insistence, Hari Singh had been forced by Govt. of India to move outside the State temporarily and he had while doing so, appointed by proclamation, on 20 June 1949, his 18 year old son Yuvraj Karan Singh to rule as Regent in his absence. Convening of the so-called Constituent Assembly would, Abdullah must have been told, help bring about final abdication of Hari Singh. But to his dismay and disappointment, as it must have been, with the abdication of Hari Singh, Abdullah's dream of Independent Kashmir with only a tenuous bond with India did not materialize. Step by step

assimilation process of the State by India continued unabated.

While examining the other side of this ostensible move, the timing of this resolution suggests that Mr. Nehru, immediately after having emphatically refused to Sir Owen's plan for settlement of Kashmir issue, must have thought of this alternative of convening a spurious Constituent Assembly in the State or that this was a part of Indian long term plan to carry it that way and to hoodwink the world community thus, and usurp the human rights of millions of voiceless subjects of the State unilaterally and by-pass the Kashmir issue from the U.N.O.

On 14 December 1950, Pakistan Government complained of such machinations to Security Council and requested the world body to stall any such action which might undermine the commitments of the two countries in the U.N.O. and the U.N.C.I.P. resolutions which had been accepted by India and Pakistan on demilitarization of the state and holding of the plebiscite there under the auspices of U.N.O.

No sooner the complaint against India was lodged by Pakistan at the U.N.O., the Dy. Prime Minister of India Sardar Patel died of heart attack on 15 December 1950. He was all along opposed to Nehru's action of having referred the Kashmir issue to the U.N.O. He was the man responsible for expanding Indian Union by annexing hundreds of Princely States by all possible means with India. His role in annexing Kashmir with India has been described heretofore. After Lord Mountbatten's departure he organized and directed so-called 'police action' against Hyderabad, "which forcibly integrated the last of India's old princely States."¹⁸ American block was much concerned on the expansionist tendencies of Soviet Union, but did not raise an eye-brow against Indian expansionism any time, which implied that she wanted India emerge strong enough to face Chinese threat if it came from across and prevent the spread of communism.

As to the constitution making in Kashmir State, surprisingly enough Azad Kashmir Government followed suit and initiated some sort of action in that direction only 25 days after Pakistan had lodged complaint in the U.N.O. against India in this behalf. However, after the U.N.O. adopted a resolution in this context Govt. of Pakistan did not venture to go against it.

Again in December 1950, there was yet another important development that attracted the world attention. China,

the close neighbour of India and Pakistan joined the Korean war on the side of North Korea. Containment Policy of U.S.A. against communist expansion was, extended from Europe and North Atlantic to Asia and Pacific. United States and her allies, who held sway in the U.N.O. in those lean years of that world organisation, would not obviously venture to perpetrate action against India for her reluctance to permit U.N.O. to hold free and fair plebiscite in Kashmir. Further progress on U.N.C.I.P. resolution of 5 January 1949 was therefore hampered and the mediation efforts of two long years made by five member U.N.C.I.P., Mr. Mc Naughton and Sir Owen Dixon were of no avail to the people of Kashmir, who had been assured self-determination by the United Nations.

As could be expected in such a situation, U.S.A. signed 'Point Four' agreement with India in the same month (December 1950), when China joined the war. That sort of action indicated that United States started wooing India in to her zone of influence. Chinese entry in Korean War on the side of North Korea set in a tremour in U.S. circles. The hegemony of U.S.A. and Truman's doctrine of world leadership came under a serious threat. To check any further communist conquests in various parts of the world around Soviet Union and China, wider defence systems were deemed necessary. Policy of 'containment of communism in Europe' was therefore altered towards 'encirclement of communist countries', so that communist expansion in the non-communist world could be halted. South East Asian policy was reconstituted, whereby Japan replaced China as American pillar against communism in the Pacific. Another U.S. pillar India and Pakistan combined (Erstwhile India) could not be replaced. In the encirclement plan against communism, Indian sub-continent however remained to be brought in. Efforts were earnestly started to bring India and Pakistan in to the fold of U.S. policy against communism.

On 12 February 1951, President Truman of United States stated: "I recognize that there are important differences between our Government and the Govt. of India in regard to the course of action which would most effectively curb aggression and establish peace in Asia. However, these differences should not blind us to the needs of Indian people."¹⁹ Needs of the Indian people obviously included interests of Indian leaders; which inter alia meant that India should not be pressurized in respect of Kashmir. Further progress on implementation of U.N. resolution by India was not to be insisted upon. It was therefore at this juncture that in the next resolution of United Nations on 30 March 1951, resignation of Sir Owen Dixon was accepted and another U.N. representative by name Dr.

Frank Graham was appointed, so that the ball of negotiations between India and Pakistan remained rolling. In respect of the final disposition of the State, however, this resolution reiterated, that Governments of India and Pakistan having accepted the U.N. resolutions of 13 August 1948 and 5 January 1949 and having reaffirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations; the final disposition of the State of Jammu and Kashmir will be made accordingly.

In respect of the so-called Constituent Assembly in Jammu and Kashmir State "there was a flutter in the Security Council which suspected that this was an attempt to bypass it and so the Govt. of India had to give an assurance that this would not in any way interfere with the commitments made by it and the (so-called) Constituent Assembly would settle only internal matters leaving international issues unaffected."²⁰

With this assurance of Govt. of India, the security Council under this resolution of 30 March 1951 also affirmed:

"that the Convening of a Constituent Assembly as recommended by the General Council of the 'All J&K National Conference' and any action that Assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle."

Under this resolution the U.N. representative Dr. Frank Graham was directed to proceed to the sub-continent; and after consultation with the Governments of India and Pakistan, to effect the demilitarization of the State on the basis of U.N. resolutions of 13 August 1948 and 5 January 1949, he had to report to the Security Council within three months from the date of his arrival on the sub-continent. It was at this juncture again that the Prime Minister of India Mr. Nehru made a statement on 6 July 1951 before All India Congress Committee on Kashmir issue in the following words: "People seem to forget that Kashmir is not a commodity for sale or to be bartered. It has an individual existence and its people must be the final arbiters of their future."²¹

Action on implementation of Encirclement Policy, however, started "in 1951, when a bilateral Defence Pact between the United States and the Philippines, the ANZUS and a U.S - Japanese Security Treaty were concluded ... But

most of the States of South East Asia had consistently refused to join these arrangements..."²² Soviet Union had invited the Prime Minister of Pakistan in mid 1949, but his foreign Minister Sir Zafferullah Khan had declared that Soviet invitation had been placed in the dead storage. When however Liaquat Ali Khan, the Prime Minister of Pakistan was asked to clarify, he corrected Zafferullah's statement by saying that the Soviet Union's invitation had been placed in the cold storage; which probably meant that he would visit on some opportune time when the relations inter-se warmed up. This sort of approach did not fit well with the future plans of United States and her allies in respect of Encirclement of Communist countries. Therefore his activities must have come under close surveillance of foreign powers; and as it happened the first Prime Minister of Pakistan Liaquat Ali Khan was shot in his chest by some person in a mammoth gathering at Rawalpindi, where he was delivering a public speech on 29 september 1951. Liaquat was on his way to Azad Kashmir to sort out the differences in the leadership over there, and to find out means and ways in the direction of quick settlement of Kashmir issue. The assassin of Liaquat was also simultaneously killed, making it difficult to locate the conspiracy behind. This historical incident, however, resulted in: (a) The political strength that Pakistan had built for the past four years under the stewardship of Liaquat was broken; (b) Pakistan went in to the lap of United States; (c) Soviet Union's attitude against Pakistan hardened; (d) An epoch of short term fragile governments emerged in Pakistan; and (e) Kashmir issue was brought down from near settlement to a long duration deliberative state, in glaring contradiction to the U.N. resolution of 30 March 1951, whereunder it was insisted upon that a prompt settlement of the dispute was of vital importance to the maintenance of international peace and security. Taking advantage of this situation, Government of India could move ahead in implementing their plans for step by step colonization of Kashmir.

However, Khwaja Nizam-ud-din became the new Prime Minister of Pakistan in October 1951. It was the time when U.S. Government made strides in the direction of implementation of her Encirclement Plans against communist countries. ANZUS treaty had been concluded on 12 July 1951 between Australia, New Zealand and the United States. This treaty was, mutatis mutandis, analogous to the NATO. On 17 October 1951, Turkey and Greece also signed a protocol to join NATO, and the process of their admission was later completed by February 1952.

Again "in 1951 a mutual Defence Assistance Agreement was

signed between India and the United States, which enabled India to receive certain military assistance from the United States without any of the corresponding obligations that devolved on aligned States."²³ Chester Bowles also visited India in October 1951 and offered 'generous assistance for India's First Five Year Plan'.

It was at this stage that Soviet Union jumped in to the fray from a wrong corner. "For four years Russia observed silence over the Kashmir dispute after it was presented to the Security Council by India in January 1948. The Russian representative usually abstained from voting on the resolutions which the Council adopted from time to time. In January 1952, for the first time Soviet Delegate, Jacob Malik made a lengthy statement accusing U.S.A. and Britain of interference in the internal affairs of Kashmir and held that the question could be solved by the Kashmir Constituent Assembly."²⁴ Intention of Soviet Union was, obviously to help India to bring Kashmir issue out of Anglo American influence at the U.N.O. and woo India in to Soviet zone of influence. But in doing so an important factor escaped its attention. Solution of Kashmir issue by the so-called Constituent Assembly, in a State which had come under colonial rule ever since its occupation by India and Pakistan, would obviously be an eye wash, unjust and unfair. Any local government worth the name under any colonial rule should have been deemed invariably as a puppet government, and elections conducted under that government as farce; as the rule in Kashmir under the Colonial conditions over the voiceless subjects was only by rod and terror. Even if any leader of the puppet government in Kashmir ever dared to go against the will of the colonial power, his fate was obvious. It is a known fact that while the relationship of the State with India and Pakistan were being worked out in the so-called Constituent Assembly, even the Indian installed Prime Minister in Indian-held Kashmir, who was suspected to be moving away from India, was thrown out in 1953 and imprisoned. Full light on that episode has been thrown in the next chapter.

To reduce the influence of Soviet Union on India, however, "another agreement was signed by the two countries (United States and India) at the beginning of 1952, for the establishment of an Indo-American Technical Cooperation Fund, with further advances over a period of five years totalling \$250 million."²⁵

Under U.N. resolution of 30 March 1951, Security Council had directed its representative Dr. Graham to complete his report within three months. Instead he took full two years to complete his task. During this period the

Security Council passed two resolutions - one on 10 November 1951 and another on 23 December 1952, primarily for extending the term of Dr. Graham's mediation. Graham submitted five reports on 15 October 1951, 19 December 1951, 22 April 1952, 16 September 1952 and 27 March 1953. In his fifth and final report he, inter alia, drew the programme of demilitarization of the State which included withdrawal of tribals, Pakistan forces and Indian forces; and requested the two Governments for its completion within 90 days. Dr. Graham further determined retention of 21000 armed forces of India and State Government on Indian side of Cease-fire line and an armed force of 6000 of Azad Kashmir Government on the other side of Cease fire line in Azad Kashmir. In both cases these forces would be without armour or artillery. They were to be retained exclusively for purposes of maintaining law and order in the State and for assisting the Plebiscite Administrator to conduct the plebiscite in the State peacefully. Further under the provisional clause of his report, Dr. Graham appealed to the leadership of the two Governments to negotiate inter-se with the goodwill and assistance of the United Nations. It may be recalled that Sir Owen Dixon had achieved this milestone already in 1950 and arranged a meeting of the Prime Ministers of India and Pakistan. After more than two years, negotiations inter-se were again recommended. That obviously meant that the influential circle at the United Nations Organisation was only interested to place Kashmir issue in a state of drift and use it as a lever to keep India in leading strings. Security Council was not inclined to ensure human rights and bring about any pressure on the intransigent party to follow the international standards of conduct.

After the death of Stalin in March 1953, Soviet leaders played Kashmir as a pawn on the chess board of international politics. Against all norms of socialism Stalin's successor Mr. Nikita Khrushchev jeopardized the interests of the Muslim majority of Kashmir State, when he used this issue as a lever to strengthen Soviet influence over India. However, the Government of Khwaja Nizam-ud-din in Pakistan, after long deliberations with Dr. Graham, was fully seized with the different aspects of Kashmir issue, it could most probably make speedy progress on the 5th and final report of Dr. Graham or seek some alternative course of action. Nay! Nizam-ud-din's Government was blamed for its ineffectiveness and dilly dallying of Kashmir issue and sacked in April 1953. Mohamad Ali Bogra of erstwhile East Pakistan was installed in his place as the Prime Minister of Pakistan and a new Cabinet was formed. Intransigent attitude off the Soviet Union on one side and instability of Pakistan Government on the other

gave a further set back to the settlement of Kashmir issue.

"Despite the feeling that India was being disobliging, the United states continued to entertain the hope that in the course of time she might change her outlook; and so nothing untoward was done to displease her. Regardless of resentment caused in the United States over India's violent opposition to the proposal to establish a Middle East Defence Organisation, in May 1953 Mr. Dulles promised to continue American aid to enable India to implement her five year plan. In making this commitment he paid tribute to India's efforts in the United Nations to bring an end to the hostilities in Korea."²⁶

In Kashmir State, Indian Government was placed in a perplex situation. Sheikh Abdullah, on whom Nehru had depended over the past six years for implementation of his plan of step by step assimilation of Kashmir State with India, had revolted. On 11 April 1952 Abdullah, inter alia declared that "Kashmir should become a bridge of friendship and similarity between India and Pakistan." While the so-called constitution making for the State got going in Indian-held Kashmir (IHK) in isolation without participation of any member from Azad Kashmir, different draft constitutions - some prepared by pro-Indian elements and some by like-minded persons of Abdullah's National Conference were placed before him. He supported the one which was against the merger of the State with India. He would like to see a separate Republic of Jammu and Kashmir with its own flag, President and Prime Minister - a State with no financial and judicial control of Indian Government. Soon a meeting in this behalf was called in New Delhi which was among others attended by Nehru and his colleagues on one side and Abdullah and his colleagues on the other. There came a stalemate in the discussions and somehow or other an agreement was drawn between the Indian installed Government of IHK and Indian Government. This was called Delhi Agreement.

Spuriousness of the so-called constitution making came to the limelight when the same was kept in the leading strings of Indian Government through the Delhi Agreement (described in another Chapter hereinafter). On his return from Delhi, Abdullah quickly implemented the main item of his choice - abolition of Maharaja's rule, and dragged in discussion such other items which pertained to the merger of the State with India. Many an Indian leader met Abdullah to bring about a change in his hard attitude towards integration of the State with India. He did not yield. He even turned down an invitation of Prime Minister of India to visit Delhi. Situation became so

alarming in May 1953 that Nehru himself went to Srinagar to woo Abdullah. Many a meeting of the Working Committee of National Conference were held. In all these meetings Abdullah maintained his hostile attitude towards integration of Kashmir with India. Pt. Nehru returned to Delhi completely dejected.

Deliberations of the Working Committee of the National Conference, however, continued for about a month and finally agreed upon four alternative proposals stated below in the preferential order:

- (1) "Plebiscite in accordance with the principles decided in the meeting of 4 June 1953.
- (2) Independence of the whole State.
- (3) Independence of the whole State with a joint control of India and Pakistan in Defence and Foreign Affairs.
- (4) Dixon Plan."²⁷

Sheikh Abdullah would, it was apprehended, either place these alternative solutions before his hand-picked members of his so-called Constituent Assembly, and the alternative he liked most would be accepted; or that he would insist upon a referendum. But who bothered about these alternative solutions and/or the so-called Constituent Assembly of the State. Spuriousness and absurdity of the so-called Constituent Assembly and constitution making for Kashmir State again came in the limelight soon, when on 31 July 1953, Pt. Nehru called Mr. D.W.Mehra and B.N.Mullick, two deputy Directors of Central Bureau of Intelligence, in his house, to discuss action against Sheikh Abdullah. Mullick says that Pt. Nehru "finally came to the point that there was no alternative but to remove Sheikh Abdullah and install Bakshi Gulam Mohmad in his place."²⁸ Mullick further wrote: "We realized that he (Nehru) was at a point of uprooting a plant (Abdullah) which he had nursed with great care. At the end he wished Mehra good luck and wanted to be kept informed regularly. For this purpose, 'we could call him up in the night'...'The same day', Mullick added, 'Pandit Nehru called up Brigadier B.M.Koul (a Kashmiri Hindu) and entrusted him with the task of passing on the word to General Atal, the Corps Commander at Udhampur and the Divisional Commander in Srinagar about the impending action."²⁹ Sheikh Abdullah, however, later asserted that the die had been cast earlier. "Jawaharlal's secret directive had come to Karan Singh (Sadri-Riyasat) on 27 July 1953, in which Green Signal of his removal had been given and zero-hour decided."³⁰

The plot was, however, carried out under the direct

command of Pt. Nehru and on 9 August 1953 when the first Indian imposed Prime Minister of IHK - Sheikh Abdullah was dismissed by Sadri-Riyasat without any prior concurrence of the so-called Constituent Assembly; and Bakshi Gulam Mohmad was installed in his place. Nothing untoward or unusual! All these machinations were in keeping with the ethos of the colonial system, but one thing was most astonishing that still India had the cheek to tell the world that there was a Constituent Assembly responsible to decide the relations of the State with India.

Again in August 1953, the United States came out openly against the inclusion of India in the proposed political Conference on Korea." in this sort of a situation in Kashmir and abroad, India temporarily softened her attitude towards Pakistan and held negotiations with her, overtly apropos to recommendations of Dr. Frank Graham but tacitly with a purpose to bye-pass Kashmir issue from the United Nations by agreeing to bilateral talks inter-se on preliminary issues and also feel the pulse of Pakistan Government if she could be prevented from getting involved in the international fray and global rivalries. Several meetings were held between the Prime Ministers of India and Pakistan in New Delhi on 17, 18, 19 and 20 August 1953 and a joint communique was issued on 21 August 1953 in respect of settlement of the Kashmir issue. It said:

"The Kashmir dispute was especially discussed at some length. It was their opinion that this should be settled in accordance with the wishes of the people of that State, with a view to promoting their well being and causing the least disturbance to the life of the people of the State. The most feasible method of ascertaining the wishes of the people was by fair and impartial plebiscite. Such a plebiscite had been proposed and agreed to some years ago. Progress, however, could not be made because of lack of agreement in regard to certain preliminary issues. The Prime Ministers agree that these preliminary issues should be considered by them directly in order to arrive at agreements in regard to them. These agreements would have to be given effect to, and the next step would be the appointment of the Plebiscite Administrator.

'In order to fix some kind of provisional timetable, it was decided that the Plebiscite Administrator should be appointed by the end of April 1954. Previous to that date, the preliminary issues referred to above should be decided and action in implementing thereof should be taken. With this purpose in view, committees of military and other experts should be appointed to advise the Prime

Ministers. On the Plebiscite Administrator's formal appointment and induction in to office by the Jammu and Kashmir Government he will examine the situation and report upon it. He will then make such proposals as he thinks proper for preparations to be made for the holding of a fair and impartial plebiscite in the entire state, and take such other steps as may be considered thereof."

On the other hand United States, at this event had thrown feelers to New Delhi and other countries in South East Asia to collaborate with her strategy for containing communism in Asia. But such feelers had sharply been repulsed by the Indian Government. Softening of Indian attitude towards Pakistan as expressed in the joint communique stated as above, was yet another indication that India wanted Pakistan to keep away from U.S. global policy. In respect of the twin columned pillar (India and Pakistan) against communist expansion, United States came to the conclusion that 'one in hand was better than two in the bush.' So Pakistan's involvement in U.S. strategy was first taken up. Conduct of India in Kashmir, Junagadh and Hyderabad had caused a scare and strong feeling in Pakistan that India wanted to impose her hegemony in the region. Therefore Pakistan became vulnerable to the temptation of the so-called protection of United States to her sovereignty. It was in that context per-se that United States got a positive response from Pakistan to U.S. feelers for collaboration.

It is obvious that the Prime Minister of India sensed this development quickly. So only 13 days after the issue of the joint communique of the Prime Ministers of India and Pakistan, Mr. Nehru in his letter dated 3 September 1953 to the Prime Minister of Pakistan started diluting his commitments and international agreements in respect of settling Kashmir issue, by bracketing the problems of minorities of India and Pakistan with it.

As the discussions on Pakistan's collaboration with U.S. global strategy progressed, Indo-Pak tension grew concurrently. On 18 December 1953, Nehru sent a telegram to the Prime Minister of Pakistan saying:

"...Recent developments in regard to military aid to Pakistan from the United States had already created a new situation which obviously affected the Kashmir issue as well as other issues. The whole question of demilitarization of Kashmir had to be considered in the light of this new development which meant further militarization of Pakistan." This telegram was followed by a letter three days later stating:

"...If that situation changes basically, as it will no doubt change if military aid is obtained by Pakistan from the U.S.A., then the premises along which we were proceeding have changed. The new situation has to be considered afresh and from different premises."

There ensued United States reaction soon. According to United States News World Report of 4 January 1954, Vice President Nixon "tended to favour military aid to Pakistan as a counter-force to the confirmed neutralism of Jawaharlal Nehru's India." On 18 January 1954 Nehru again protested to Pakistan that conclusion of a military agreement with the United States constituted a dangerous development. United States immediately decided to give military assistance to Pakistan, and simultaneously offered military aid to India as well. In this behalf President Eisenhower of United States wrote to Nehru on 24 February 1954: "...If your Government should conclude that circumstances require military aid of a type contemplated by our mutual security legislation, please be assured that your request would receive my most sympathetic consideration."³¹ On 1 March 1954 Nehru rejected U.S. offer of military aid. Further in his letter of 5 March 1954 to the Prime Minister of Pakistan Nehru reiterated that the decision of U.S. government to give military aid to Pakistan has changed the whole context of Kashmir issue. India used this development, wholly irrelevant and unconnected with the (Kashmir) issue though it was, as an excuse to back out of its commitment for plebiscite in Jammu and Kashmir... This naturally heightened the ideological under-current in to an organised Plebiscite Movement in Kashmir."³² This sort of irrelevant stance of Government of India on Kashmir also evoked concern from various quarters in the free world. Therefore in keeping with his characteristic split personality and double standard, Nehru declared: "India will stand by her international commitments on the Kashmir issue and implement them at the appropriate time"... 'the repudiation of international commitments would lower India's prestige abroad.'³³

It is important to point out here that foreign policy and matters of security of either country were not a part of the 5 January 1949 U.N. resolution, which has been accepted by both India and Pakistan. Unless, of course, Governments of India and Pakistan had any separate bilateral agreement in respect of foreign affairs and mutual security, there was absolutely no justification on the part of India to come in the way of sovereign rights of its neighbouring country and also become recalcitrant to her own commitments that had been made by her Prime Minister Mr. Nehru on Kashmir time and again. In fact

this sort of intransigence tantamounted to the refusal of the principles and purposes of the charter of the United Nations and violation of the international standards of conduct and universally accepted civil standards of democracy. Leonid Medvedko in his article on 'Three Circles of hell' has observed that: "More often than not regional conflicts are triggered by external forces which may act openly or behind the scenes. Parity on the global arena has often projected itself in to regional conflicts as a balance of powerlessness. But the conflicts provoked are at their bloodiest if they are the result of bellicose and intransigent attitudes of internal extremist forces."³⁴

Regional conflict was instead sustained and the progress that had been achieved by India and Pakistan by the end of 1953 in the direction of settlement of Kashmir issue was stalled by intransigence of Indian Prime Minister to the detriment of hundreds of millions of population of the sub-continent. At that event panacea of the ill of foreign dominance could easily be found in the quick disposal of Kashmir issue by the prudent elements of India and Pakistan. Instead it was purposely prolonged with a strong desire to assimilate Kashmir with India step by step. The basic premise of Kashmir issue, however, remained. Fundamental variable of this basic premise was 'the Will of the People of Kashmir', which principle had, at the initiative of Govt. of India itself, been recognized by the whole world as a sine-quo-non and the basis for settlement of Kashmir issue. At that event pro-Pakistan and anti-Indian elements had been dumbfounded in the State. Even Nehru's one time cat's-paw Sheikh Abdullah and his close associates had been arrested for revolting against the Indian wish of merger of the State with India. Nehru's refusal to carry on negotiations with Pakistan on Kashmir issue, however, stalled the progress on the settlement of Kashmir, but it did not bring it to any logical end. It succeeded in changing the issue in to a dispute between India and Pakistan to the detriment of the people of Kashmir State per-se and the people of India and Pakistan as well.

Apropos to clause 3(a) of U.N.C.I.P. resolution of 5 January 1949, Admiral Nimitz had been nominated by the Security Council as Plebiscite Administrator for holding plebiscite in Jammu and Kashmir. Prime Ministers of India and Pakistan had in their meetings of August 1953 agreed to the appointment of Plebiscite Administrator by the end of April 1954. Consequent upon India's refusal to conduct any further negotiations with Pakistan on Kashmir, Nimitz had to report back, for his appointment as Plebiscite Administrator was not acceptable to India.

Pakistan, however, started building up her defence posture, for she strongly believed that India, on account of her large size, population and resources, could always pose a threat to the existence of Pakistan. On the other hand United States continued implementation of her plan of encirclement against Soviet Union and China. "Turko-Pakistan Agreement for Friendly Cooperation was signed with the active encouragement of United States on April 2, 1954. It was hoped that other States of Middle East would ... join it and gradually Britain and America would also associate themselves. It was at this stage that the concept of the Northern Tier consisting of Turkey, Iraq and Iran was built up by the United States in the hope that these countries would join the bloc initiated by the Turko-Pak alliance."³⁵ 'Mutual Security and Assistance Agreement' was soon concluded between United States and Pakistan on 19 May, 1954. It was followed by formation of South East Asian Treaty Organisation. United States, Britain, France, Australia, New Zealand, the Philippines, Thailand and Pakistan signed a 'Collective Defence Treaty' at Manila on 8 September 1954. In spite of all possible coaxing, four countries - India, Indonesia, Burma and Ceylon declined to join SEATO. United States still deemed India as a country to be reckoned with in the context of containment of communism in Asia. If military aid was not acceptable to her, an alternative appeasement method of economic aid was deemed necessary to keep it away from going in to the lap of communism. "During the aid allocation for the fiscal year 1954-5 Mr. Dulles stated that the largest single item - \$85 million out of \$ 307,400,000 - was earmarked for India, and urged Congress to support this request in spite of disagreements on foreign policy between New Delhi and Washington."³⁶

On the other hand United States continued her efforts on the encirclement plan against communism. Baghdad Pact was first initiated on 24 february 1955, when Iraq and Turkey signed an Agreement of Friendship and Cooperation. Pakistan was wooed to join this Defence Pact against U.S.S.R. At this stage Nehru made a statement in the Indian parliament on 31 march 1955 in the following words:

"Kashmir is not a thing to be bandied about between India and Pakistan but it has a soul of its own and an individuality of its own. Nothing can be done without the goodwill and consent of the people of Kashmir."

Britain made an agreement with Iraq on 4 April 1955, mutatis mutandis of similar kind as between Iraq and Turkey - Pakistan joined Baghdad Pact in July that year.

Strange as it might appear that soon after Pakistan joined Baghdad Pact (later CENTO), Mr. Ali Mohamad Bogra's Government in Pakistan was toppled. Chaudri Mohamad Ali succeeded him as the Prime Minister of Pakistan in August 1955. Fragility and instability of the civil Governments in Pakistan, as was witnessed by its changes and incessant turmoil from 1951 to 1958 and military rule of decades, not only harmed that country but also contributed to a large measure in thwarting the possibilities of the settlement of Kashmir issue time and again. This instability in Pakistan was taken maximum advantage of by the U.S.A. and India in particular. Soviet Union and allies of global powers also took their shares in capturing their markets, and selling their armaments to India and Pakistan.

The process of encirclement of communist countries launched by United States and her allies, however, continued unabated. Turkey joined Baghdad Pact in November 1955. Thus the Northern Tier Defence around Soviet Union was built from Turkey to Pakistan. United States, after accomplishing this plan, announced on 29 November 1955 that it had guaranteed the territorial integrity of the Baghdad Pact countries.

While the Baghdad Pact was still in the making, Soviet Union took certain countermeasures in May 1955 against what they believed as the machinations of Anglo-American bloc. A Treaty of Friendship, Cooperation and Mutual assistance was signed by Soviet Union and its satellite States of Eastern Europe at Warsaw on 14 May 1955. These States included Soviet Union, German Democratic Republic, Albania, Bulgaria, Hungary, Poland, Romania and Czechoslovakia. Inter alia, they decided to set up a unified command of their armed forces to become a strong shield against NATO countries. Again as soon as Pakistan and Iran joined Baghdad Pact, Soviet Union saw only one gap left in the Encirclement Plan of the U.S.A. against communism. That was India. Therefore India attracted attention of Soviet Union. United States had applied two prong contrivance in involving India to its sphere of influence. One was entanglement of India at the U.N.O. in respect of Kashmir issue and the other was offer of the military aid. When India refused the military aid, it was immediately substituted by heavy economic aid. Against this, Soviet Union applied multi-prong strategy to influence India. Chief among them was outright and unequivocal support to India on Kashmir issue. It was due to antagonism that had sparked off in the Soviet circles against Pakistan joining Baghdad pact, and also to frustrate American efforts to win over India on her side. On the invitation of Pt. Nehru, Soviet leaders Khrushchev

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While the Pact was still in the making, Soviet Union took countermeasures in May 1955 against what the U.S. was doing. The machinations of Anglo-American bloc. A friendship, Cooperation and Mutual Assistance Treaty was signed by Soviet Union and its satellite states. On May 14, 1955, these states were the German Democratic Republic, Poland, Czechoslovakia, Hungary, Rumania and Czechoslovakia. They decided to set up a unified front to become a strong shield against the U.S. as soon as Pakistan and Soviet Union saw only one gap in the U.S.A. against India. Therefore India attracted the United States had applied two methods to bring India to its sphere of influence. One was offer of the military aid, it was heavy economic aid. Against this multi-prong strategy to bring them was outright and open on Kashmir issue. It was due to the fact that the Soviet Union was backed off in the Soviet circles. The Baghdad pact, and also to win over India on her side. Therefore, Soviet leaders Khrushchev

and Bulganin visited India in December 1955. They also visited Srinagar. Strict measures of security were made, yet the Soviet leaders could not escape demonstrations of the worst sort in Srinagar. During this visit, however, Khrushchev declared that "Soviet Union considered Kashmir as a part of India, and added that Soviet Union was so near a neighbour of Kashmiris that whenever they desired help, they should climb the hills around the Valley and blow a whistle, We shall come at once."³⁷ "This visit of Soviet leaders was a significant turning point not only in the case of Kashmir issue but also in the political scenario of the sub-continent"... 'Nehru had (till then) repeatedly assured that India did not intend to usurp Kashmir. Military intervention in Kashmir was made exclusively with a purpose to protect the right of free expression of the people and permit them to decide their future by plebiscite."³⁸

This tactical move of Khrushchev in respect of Kashmir was taken note by the United States and Great Britain. In March and April 1956, SEATO and Baghdad Pact Councils respectively emphasized the need for an early settlement of Kashmir issue. Thus the people of Kashmir were heavily caught in the confusion of international politics. Universally accepted principle of People's Choice was thereby over-shadowed much to the liking of Indian leaders.

By this unequivocal Soviet support, however, Nehru was encouraged in putting the Kashmir issue off for some time more and continue his plan of step by step assimilation of Kashmir with India. But the issue, as such couldn't end this way; for the basis of the problem - Will of the People, remained to be resolved to the satisfaction of the millions of majority community of the State, and this sort of Soviet and Indian politics was against social justice and lacked in morality.

The fear that the Soviet Union had the veto power caused a lull in further progress of Kashmir issue at the U.N.O. India's new posture was borne out of the Soviet Union's unequivocal support, and henceforth she spoke from a position of strength. United States, on the other hand, encouraged Pakistan to stand firm against any machinations about Kashmir issue. Pakistan was covered under Montreal Defence Pact of 1956. While doing so, U.S. Secretary of the State, Mr. Dulles re-assured India on 10 March 1956 at his press conference in New Delhi that "there can be every confidence on the part of India that there will be no use of these armaments in any aggressive way against India. Pakistan knows that 'if that should happen', there will be a quick ending of its good

relations with the United States..."³⁹

In September 1956, unstable Pakistan was faced with yet another crisis in her government, when Chaudri Mohamad Ali's Government collapsed after remaining in office for one year only. Well famed Shaheed Hussain Sohrawordhy of erstwhile East Pakistan took over as the new Prime Minister of Pakistan Government. Such frequent changes reflected the instability of Pakistan which was utilized to the hilt by Indian Government and Kashmir issue was affected thus.

While the top leaders of the ruling party (National Conference) and architects of the so-called constitution making for Kashmir were either in jails or had established another political party by name 'Plebiscite Front', the new head of the puppet government installed by Nehru by name Bakshi Gulam Mohamad had moved heavens to impose his rule by means of all sorts of ignoble contrivances to dumbfound the millions of anti-Indian subjects of the State. The ground had been cleared for the design of the new constitution on the lines as directed by the Indian Government. This tactical move of throwing dust in the eyes of the free world evoked concern of Pakistan Government, that on 2nd January 1957, she requested the Security Council to hold an immediate session, lest the Indian Government pave way for by-passing Kashmir issue from the U.N.O., and ignore the assurances and commitments made by her in respect of settling the issue by plebiscite under the auspices of United Nations. It requested the Security Council for:

- (a) calling upon India to refrain from accepting the change envisaged in the new constitution adopted by the Constituent Assembly;
- (b) spelling out the obligations of the parties under Article 307 of the U.N.Charter; and
- (c) arranging the withdrawal of troops and the surrender of the functions of protecting the State to a U.N. force at once.

Britain was so bitter to India at this time that Sunday Express of London wrote on 6 January 1957 under the heading 'Speak Out': "Mr.Nehru had no hesitation in attacking Britain's Suez policy in the United Nation... Let Britain now be open about Mr. Nehru; for in grabbing Kashmir this hypocritical man, who censures colonialism and the use of force so loftily, is guilty of blatant aggression."⁴⁰

Indian representative, however, spoke in the Council on 23 January 1957 and undertook that Kashmir Constituent

Assembly was redundant in respect of taking any decision on the issue of accession of the State. He said that, "the actions of the Kashmir Constituent Assembly were merely declaratory, not creative. Even an adverse opinion in regard to accession would have no legal validity, for it was a 'sub-sovereign' body."⁴¹ Govt. of India, it may be recalled had already given an assurance in the Security Council in March 1951 that the Constituent Assembly would not in any way, interfere with the commitments made by Govt. of India and that it would only settle internal matters leaving international issues unaffected. On such basis Security Council had adopted a resolution on 30 March 1951.

After hearing the representatives of India and Pakistan a draft resolution was sponsored by Australia, Britain, Columbia, Cuba and United States of America, and the same was adopted on 24 January 1957 in the Security Council with near unanimity. Out of 11 members of the Security Council, ten members voted for. the Soviet Union, however, as usual abstained.

Resolution of The Security Council Of January 24, 1957

The Security Council,
Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir;
Reminding the Governments and Authorities concerned of the principle embodied in its resolutions of 21 April 1948, 3 June 1948, 14 March 1950 and 30 March 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

Reaffirms the affirmation in its resolution of 30 March 1951 and declares that the convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle;
Decides to continue its consideration of the dispute.

Accordingly the Security Council resumed discussion on Kashmir issue in February 1957. On behalf of Australia, Britain, Cuba and the United States, Britain moved a resolution calling upon Mr. Gunnar Jarring of Sweden, who was the President of the Council for that month, to visit India and Pakistan and discuss, inter alia, a proposal for temporary introduction of United Nations force in to Kashmir to break the impasse over the demilitarization. This resolution was vetoed by the Soviet Union. She obviously apprehended that the foreign forces close to her territories in Kashmir might be derogatory. It was not therefore correct on the part of Pakistan to ask for stationing U.N. forces in Kashmir at the time when the U.S. policy of 'Encirclement of Communist Countries' was in operation around Soviet Union and China. Pakistan should have anticipated such an action under normal course.

However, another resolution eliminating the provision of temporary introduction of U.N. force in Kashmir, was moved by the same four powers, which was adopted by the Security Council on 21 February 1957. It resolved to appoint Gunnar Jarring as Mediator for India and Pakistan to succeed Dr. Graham. He was entrusted to examine 'any proposals which would contribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the U.N.C.I.P. For this purpose he would visit the sub-continent and report the Security Council not later than 15 April 1957.

Gunnar Jarring arrived in the sub-continent in March 1957, visited both sides of the cease-fire line, had talks with the two Governments and submitted his report to the Security Council on 29 April 1957. Concluding his report he stated: "While I feel unable to report to the Council any concrete proposals which, in my opinion, at this time are likely to contribute towards a settlement of the dispute ... my examination of the situation as it obtains at present would indicate that, despite the present deadlock, both parties are still desirous of finding a solution to the problem."

This dilly-dallying phenomenon was in fact a variable in the equation of Cold War. Regional conflicts in various parts of the world were purposely kept by global powers hanging in the balance on cease-fire lines. Though Kashmir was not an exception, but it had altogether a different premise than other Regional Conflicts of the World.

At this time, however, U.S.A. was busy in strengthening Baghdad Pact countries. Eisenhower Doctrine was enunci-

ed on 5 January 1957, under which the President of U.S.A. demanded from U.S. Congress the authority to use the armed forces in the Middle East - in case of emergency, if the same were requested by any member nation of Baghdad Pact in accordance with the treaty obligations. The doctrine was supported on January 21 by the four Middle Eastern members. Further in April, the U.S. Government decided to allocate \$12,500,000 for building communication systems in Baghdad Pact countries. By June that year U.S.A. joined the Baghdad Pact committees on economic, military and counter-subversion. U.S.A., by that contrivance skillfully and tacitly controlled the economic, military and political systems of Baghdad Pact countries which included Pakistan as one of its members.

Interests of global powers apart, the confusion and political instability of Pakistan on one side and political stability of Indian Government on the other created a differential which installed incessant set backs to Kashmir issue. Experienced and well famed politician like Sohrawordhy too couldn't help bring Pakistan out of the political disorder. After serving as Prime Minister of Pakistan for only one year he succumbed to the in-fighting of provincial controversies of East and West Pakistan and resigned in October 1957. Another politician of Pakistan by name Mr. Chundrigarh then took over as the next Prime Minister of Pakistan. During his short tenure of one year Sohrawardhy could, however, revive Kashmir issue at the United Nations and nullify all that had been done by India in respect of the merger of Kashmir State with India through so-called Constitution of Kashmir.

Jarring report that had been submitted in April 1957, came up for discussion in the Security Council in september 1957. "In the debates in the Security Council, held between September and December 1957 the governments of India and Pakistan affirmed that they continued to be engaged by the resolutions of UNCIP of 13 August 1948 and 5 January 1949."⁴² On 2nd December 1957, the Security Council adopted a resolution by which it requested the U.N. Representative for India and Pakistan (Dr. Graham again this time) to make recommendations to the parties for further appropriate action with a view to making progress towards the implementation of the resolutions of the U.N. Commission for India and Pakistan of 13 August 1948 and 5 January 1949, and towards to peaceful settlement. He was further authorized to visit the sub-continent for these purposes and instructed to report on his efforts to the Security Council as soon as possible.

As it often happened with Kashmir Problem, Govt. of

Pakistan again collapsed in the same month. Chundrigarh's Government in Pakistan came to an end after remaining in power for three months only. Feroze Khan Noon took over as the next Prime Minister of Pakistan in December 1957. This reflected the mockery of so-called political setup of Pakistan.

However, Dr. Graham visited the sub-continent and made the following recommendations to the two Governments on 15 February 1958:

"(1) That they should consider the possibility of renewed declaration in line with the 17 January 1948 resolution of the Security Council and of Part 1 of the 13 August UNCIP resolution.

(2) The two Governments should reaffirm the inviolability of the Cease-fire line.

(3) In order to speed up the implementation of part II of the resolution of August 13, 1948, prompt study ... should be undertaken as to how the territory evacuated by the Pakistan's troops could, pending a final solution, be administered in accordance with the provisions of that resolution. Following the withdrawals of the Pakistani army from the State, Pakistan should give consideration to the stationing of a U.N. force 'on the Pakistan side of the Pakistan and Jammu and Kashmir border.

(4) The U.N. representative will consider with the two Governments the means and timing under which agreement might be sought on the interpretation of part III of the August 13, 1948 resolution and plebiscite portion of the January 5, 1949 resolution.

(5) There should be a conference of the Prime Ministers of the two countries under his auspices in the early Spring..."

Govt. of Pakistan agreed to these recommendations in principle but the Govt. of India declared itself unable to agree to any one of them. "Prime Minister Nehru said that Dr. Graham's suggestion that Prime Ministers of India and Pakistan should meet with Dr. Graham playing the role of some kind of an umpire or judge was totally and absolutely unacceptable."⁴³ "Govt. of India would on their part, however, consider it as highly improper and indeed an unfriendly act to promote a suggestion which would involve the stationing of foreign troops in a neighbouring sovereign State with whom they desired nothing but the most friendly relations..."⁴⁴

At this stage Govt. of Pakistan understood that neither India would allow implementation of the U.N. Resolutions nor was the Anglo-American block interested to exert any pressure on India in this direction. Therefore alterna-

tive method of solving this issue, involving major changes in Pakistan's foreign policy, was deemed necessary. "Speaking in the Pakistan National Assembly on 8 March 1958, Prime Minister Feroze Khan Noon threatened to desert the Western Camp unless the United Kingdom and U.S.A. offered positive support to her over the Kashmir dispute; Pakistan might also shake hands with those people who are enemies today because of these pacts... He also revealed Pakistan had sent a delegation to the Chinese Premier and tried to persuade the Russians to adopt a different attitude on Kashmir..."⁴⁵

In summer 1958, Indian government received information that a military highway had been built at Aksai Chin (Ladakh) in Indian-held Kashmir by the Chinese government, which linked Sinkiang with Western Tibet. No serious concern was shown by India. "Then in May 1959, the Chinese envoy in New Delhi, Ban Zuli, warned the Indian government that Beijing was prepared to exploit the Kashmir conflict for its own benefit and join Pakistan to open a "second front" against India"⁴⁶... "Three months after the warning, Zhou in a letter claimed 12000 square miles of the Ladakh region. Nehru was amazed and described Zhou's letter as an "extraordinary claim"⁴⁷

At this juncture, U.S. Government received a set back in her policy of containing Soviet Union's influence in the Middle East sector, when in July 1958 pro-American Government of Noori-es-Said in Iraq was overthrown by General Qassim through a coup d'etat. This was a signal to the United States that her ambition in Baghdad Pact was not to come true. Noon's Government in Pakistan was also showing signs of moving away from the Western Camp. If that happened U.S. Defence Perimeter against Soviet Union in Middle East and SEATO against China would be obviously upset, for East Pakistan (Bangladesh) was connected with SEATO and West Pakistan with Baghdad Pact. Therefore countdown for Noon's Government in Pakistan started. Only three months later in October 1958, Feroze Khan Noon's Government was ousted, Constitution of Pakistan abrogated and military dictatorship under Field Marshall Ayub Khan installed for the first time in Pakistan after eleven years of its independence.

Soon after in March 1959, General Qassim of Iraq, as expected, announced withdrawal of Iraq from the Baghdad Pact. Now that Baghdad had gone out of the U.S. military alliance pact against Soviet Union, Baghdad Pact was changed in to CENTO in August 1959.

Such developments in particular, called for re-orientation of United States foreign policy. "The document

entitled 'United States Foreign Policy', compiled by the Senate Foreign Relations Committee in August 1959, set out the following objectives:

- (1) Use of bilateral aid to stimulate co-operation among the developing countries in Asia.
 - (2) Re-examination of the role of local military forces and U.S.bases in Asia in relation to U.S. strategic, political and economic objectives.
 - (3) Inclusion of the countries concerned to undertake regional accords against communism. India and Pakistan were specifically mentioned in this connection."⁴⁸
- This represented a major shift in U.S. policy from military alliances of SEATO and Baghdad Pact.

From this time onwards U.S.A. paid higher attention to the economic development of India. Soviet Union too stepped up aid for India's arms build up, economic development and industrial growth. Substantial aid to India from both the global powers awakened China and it started making amends to her foreign policy. "In 1959 ...the Chinese Ambassador in Karachi had approached the Foreign Office of Pakistan with the proposal that ...China would like to have a new look at her relations with Pakistan... and that it would be in the interest of Pakistan also to do the same; and on the issue of Kashmir the two countries might be able to come to an agreement... The subsequent development of China-Pakistan friendship had its origin in this..."⁴⁹

On 21 October 1959, Chinese troops fired at an Indian patrol party in Ladakh, killed nine and captured ten Indian soldiers. Besides other considerations, these developments between China and India prompted President Eisenhower of the United States to undertake a tour of Asia. Among other States in Asia, he had a meeting with Nehru in the background of Sino-Indian border controversy. He expressed satisfaction at the outcome of his discussions with the Govt. of India and a new era of healthy relations between United States and India thus ensued. Kashmir issue therefore took a new turn with this international development.

One year later, John F.Kennedy became the President of the United States in January 1961. In the initial stages of his presidency of the United States, there was a shift in emphasis from military support to economic collaboration. Economic aid was to be floated in such a way as to provide markets for U.S.goods in recipient countries. India, however, occupied a position of pivotal importance in respect of containing communism in Asia. She received highest U.S. attention in her development.

At this juncture, it so happened that Pakistan government sent a note to China in March 1961, suggesting to open negotiations on the demarcation of the boundary between Pakistan controlled Azad Kashmir and China. Under these circumstances Consortium announced \$2.2 Billion aid to India in June 1961, out of which U.S.A. alone undertook to contribute \$1.45 Billion - 65% of the total aid. Against this Pakistan's meager demand of \$945 million was curtailed down by the Consortium.

On visualizing the trend of U.S. Government in favour of India, President Ayub Khan rushed to United States in July 1961 and discussed problems of Pakistan with John Kennedy. U.S.A. agreed that economic aid requirements of Pakistan would be fully met and Kennedy assured Ayub Khan that he would impress upon Mr. Nehru the necessity of bringing about a just and peaceful solution of Kashmir. Further no armaments would be sold to India and military aid, if any, required in the region would be conditional by a good cause and made susceptible to consultation with Pakistan.

Prime Minister of India was soon invited by the U.S. Government and he visited Washington in November that year. But to the disappointment of Pakistan President, as it must have been, Kashmir dispute did not appear in the joint communique that was issued at the end of the talks of U.S. President and Prime Minister Nehru. This implied that either this issue was not discussed at all or that Nehru was not agreeable to include it in the joint communique and/or U.S. Government was not so much interested with this issue at the cost of their global interests. Soon in December 1961, Nehru ventured to attack Goa - the pride of Portugal's eastern empire on Indian sub-continent, with an area of 3814 Sq.Km. and a population of about 7 lakhs at that time. Neither the Anglo-American block nor the Soviet Union showed any serious concern on India's seizure of Goa, which would have ordinarily been deemed as territorial aggrandizement, had such an action been committed by any other country against the interests of global powers. India thus grew from strength to strength in respect of territorial expansion. In the same month, however, Chinese envoy met President ayub of Pakistan and discussed demarcation of border in Azad Kashmir.

In a meeting of the Security Council on 21 February 1962, Kashmir issue came up, but the Council members felt that further consideration on this issue be deferred for some time. When, however, the Security Council met after two months on 27 April, the issue was discussed in great length, and finally a resolution was introduced by

Ireland, which was put to vote on 23 June 1962. Soviet representative vetoed that resolution. United States representative got so much angry on the intransigence of Soviet Union, that "he ran through history of other Soviet vetoes, asserting that these had been cast to "block efforts of peaceful settlement."⁵⁰ It is interesting to note here that while the Kashmir issue was being discussed in the Security Council, China and Pakistan announced on May 3, 1962, that they had reached an agreement on demarcation of the border in Ladakh provisionally, subject to condition that the issue will be reopened with the true sovereign of Kashmir after its status is decided finally. After exchanging maps in July, negotiations took place on 13 October 1962 on the eve of Chinese attack on India.

Developments in Sino-Indian relationship took a new turn when in October 1962 China attacked Indian military outposts in Ladakh and NEFA. At this time bulk of Indian army and military equipments were blocked on Cease-fire line in Kashmir. Apprehensions were there that Pakistan might take advantage of Indo-China conflict, and might in collusion with China open other war fronts against India in East Pakistan (Bangladesh) and West Pakistan. If that happened, Indian army would get divided in many a direction and Kashmir would be captured by Pakistan. Minister for Commonwealth affairs Duncan Sandys of British Government and Aurell Harriman, Dy. Foreign Minister of U.S. Government also advised India and Pakistan to thrash out outstanding issues inter-se, which inter alia, meant that Anglo-American block was interested to see India and Pakistan united against communist advance in the Indian territory. In the same month "Nehru stressed the historic ties between India and Pakistan and declared that 'confederation' remains our ultimate goal, though if we say it, they are alarmed and say we want to swallow them up."⁵¹ Further the wolf appeared in sheep's clothing and a dialogue was soon opened between India and Pakistan on Kashmir issue, to the astonishment of the Soviet Union.

Talks, therefore started in great haste between the foreign Ministers of India and Pakistan. But while these talks were still going on, Indian army couldn't stand the Chinese onslaught for long. Chinese army chased the Indian army from the borders deep inside the Indian territory and then retreated to the line which they claimed to be the international boundary of China with India and Kashmir and unilaterally stopped fighting any further. In Kashmir State China occupied an area of about 8616 square miles (Area as per Map No:2) in Aksai Chin and about 555 square miles (Area as per Map No:2) at

Demchok - both in Ladakh, and changed the Durrand Line, which had been imposed by the British on them de-haut en bas.

"After the cease-fire on the Indo-China border had taken place', President Kennedy and Prime Minister Macmillan met at Nassau on 18-21 December 1962 and decided to continue to supply India, on an emergency basis, with up to \$120 million worth of military aid. The programme included a variety of military equipment but its central feature was the arming of six Indian Divisions for mountain warfare'... 'Half of this military aid was, however, to be contributed by the British Commonwealth'. ..'Mr.Galbraith (U.S.Ambassador to India) informed the Indian Foreign Secretary on 27 December that the United States aid to fight was not contingent upon Kashmir settlement."52

Contrary to undertaking that John Kennedy had given to the President Ayub Khan of Pakistan in July that year, that Pakistan would be consulted if any military aid was given to India, United States Government not only overlooked that understanding but, by such an action, contributed to stall progress of talks which were going on between India and Pakistan mainly on Kashmir issue. Mr.Bhutto, who conducted these talks as foreign Minister of Pakistan with his Indian counterpart, believed that "by giving such an assurance to India before the conclusion of negotiations between India and Pakistan on the Kashmir dispute, the United states wrecked the possibilities of an Indo-Pakistan settlement and so, by its own action furthered close relations between Pakistan and China."

Emergence of Pak-China friendship was, inter alia, the outcome of the change in the American policy itself, for it outright favoured India with heavy economic aid ever since 1959. American offer of military aid to India in the wake of danger from China, in fact caused imbalance of military strength in the sub-continent and in turn contributed to strengthening further the intransigence of India on Kashmir issue. Soviet Union too was interested to see India strong to check the expansion of China in the southward direction. Under such circumstances, Pakistan opted for closer relations with China. This came at the time when China claimed some area in Ladakh. Pakistan either deemed that Chinese claim was justified or feared that China might occupy the same by force and cause embarrassment to Pakistan; or that the area claimed by China in Ladakh fell in Kashmir and no part of Pakistan was involved, that it was conceded in favour of China under a boundary treaty, which the two countries

signed on 28 December 1962. Such an inclination on the part of Pakistan added fuel to the fire and resulted, inter alia, in still greater attention of global powers towards building India compatible to that of China if not stronger. That in turn provided not only a big outlet for the arms manufactured in U.S.A., Soviet Union and other countries, but also seriously affected one human problem of the World i.e. Kashmir.

The Treaty in respect of delineation of boundary line in Azad Kashmir was, however, concluded between China and Pakistan on 2nd March 1963. About 1868 square miles (Area as per Map No:2) on north side of Ladakh and Hunza, consisting of the upper most region of Yarkand river were taken over by China, under her control. Under Article 6 of this treaty, however, China, inter alia, recognized Kashmir as a dispute between Pakistan and India and agreed to re-open negotiations on the re-alignment of boundary line so fixed under the Treaty, with the sovereign authority of the State after the settlement of Kashmir dispute. Further this treaty paved a way for building a road link between China and Pakistan through Gilgit, which, inter alia, affected to a great extent the policy and plans of Anglo-American block in respect of encirclement of China.

The mirage finally broke and the talks between India and Pakistan on Kashmir ended in a fiasco in May 1963 after the foreign Ministers of India and Pakistan had held six lengthy meetings over about six months (December 1962 to May 1963). As to the failure of these talks, it is believed that India would otherwise also bring in one pretext or the other and avoid the implementation of her international commitments and agreements. The fear in India from which the need for these talks had basically emanated had receded with the declaration of cease-fire by China. Anglo-American block, which at the time of Chinese onslaught seemed much interested in sorting out the differences between India and Pakistan, was now not in favour of their rapprochement; for China did not provide them the opportunity to achieve the objective of building a twin-columned pillar of India and Pakistan against her. China on the other hand developed closer ties with Pakistan.

This sort of a shift in foreign policy of Pakistan did not, however, deter the resolve and determination of Anglo-American block for providing arms aid to India. It in fact gave an impetus to arms build up of India from all possible sources. "At Birch Grove, the United States and Britain decided on a further substantial programme of military aid to India, over and above that amount agreed

to at Nassau. This enabled India to decide to raise her standing army from 11 to 22 divisions as rapidly as possible and to extend substantially her air force and navy."⁵⁴ "President Kennedy and Premier Macmillan (also) decided at Birch Grove to provide a United States Umbrella to India, in order to familiarize the Indian Air Force with supersonic fighter-bombers; and to draw up schemes to provide further military aid to strengthen her defences against the threat of renewed Chinese Communist attack'... 'In August 1963, the Aid to India Consortium increased that years contribution from various countries to India's Third Five Year Plan'... 'The largest additional donor was the United States."⁵⁵ "Feeling assured of continued assistance without any prior conditions on Kashmir, Mr. Nehru declared in the Lok Sabha on 13 August 1963 that the 'concessions' which we offered to Pakistan (for settlement of the Kashmir dispute) are no longer open and they must be treated as withdrawn."⁵⁶ On 12 september 1963 President Kennedy said in a press conference: "The fact, of course, is we want to sustain India, which may be attacked this fall by China. So we do not want India to be helpless... If that country becomes fragmented and defeated, of course, that would be a most destructive blow to the balance of power."⁵⁷

Side by side with the heavy economic and military aid and the offer of air umbrella to India, United States government wanted to police the Indian ocean. "On 27 December that year Time magazine reported that Nehru had now agreed to accept Western air defence umbrella and the United States Seventh Fleet in the Indian Ocean, but in return, he had asked for \$1.5 billion military assistance to secure his concurrence."⁵⁸ Under this hopeful atmosphere of relations between India and United States, Kashmir issue came up before the Security Council in February 1964. As usual Soviet representative supported Indian view point that any Council resolution at that juncture would complicate the situation. United States and the Western Powers did not press for a resolution. On realizing the luke warm attitude of the United States and her Allies, Pakistan representative called for adjournment of the debate. As a result, the people of Kashmir were dismayed; for this international jugglery heavily came in the way of their freedom of choice; in support of which United Nations had adopted resolutions and imposed cease-fire line in their home-land.

Besides Anglo-American economic and arms aid, Soviet Union and her allies were consistent in building up India's defence posture. All that military build up was, however, neither needed nor used by India against China; for India did not aggravate the border issue or provide

any other cause which would attract renewed Chinese attack on India. All the military aid to India from global powers finally culminated in to further intransigence of India on solving the Kashmir issue and Indo-Pakistan war of 1965. But in 1964, India's most favourable patron on Kashmir debacle, Mr. Nikita Khrushchev was ousted from power in Soviet Union, when Leonid Breznev took over. Pakistan continued to strengthen her ties with China, for besides being its close neighbour, China emerged as an Atomic Power when she detonated her first Atomic bomb in late 1964.

Pakistan and India, as is known, inherited much of their hostility inter-se from Partition of the country. Annexation of Junagadh and Hyderabad by India and the tussle between the two countries for annexation of Kashmir to their countries, moved them poles apart. On the other hand India Russia Afghanistan nexus also caused a threat to the security of West Pakistan. In October 1964, during the premiership of Lal Bahadur Shastri - the successor of Jawaharlal Nehru, Indian Government made further constitutional inroads in to the disputed area, when it applied Articles 356 and 357 of the Indian Constitution unilaterally on Kashmir against her oft repeated assurances and commitments as also against the letter and spirit of various resolutions of the United Nations. In that context, therefore, such an action could in no way alter the position of the State in respect of its disposition in accordance with the cardinal principle of plebiscite initiated by India and accepted by both India and Pakistan. Instead of carrying favour of the people of Kashmir and honouring the commitments and agreements on Kashmir issue, application of Indian Constitution suo-moto on voiceless subjects of disputed area - Kashmir, constituted an attempt on the part of India to pull her horns from the U.N.O. and thereby defer the settlement of the issue at the cost of the people of Kashmir in particular and those of the sub-continent in general. Besides it contributed to a great extent in flaring up the situation in the sub-continent. Mr. Harriman of United States expressed his shock and surprise and Bertrand Russell said: "We must ask why Premier Shastri invoked those two Articles, arrested Sheikh Abdullah and thereby effectively closed the door to peaceful redress of Kashmiri's grievances. The answer to this question suggests the cause of the outbreak of this war..."⁵⁹

Before the outbreak of 1965 war, however, President Ayub of Pakistan paid a visit to Beijing. The joint communique issued at the end of that visit, inter alia, stated: "the two parties viewed with concern that Kashmir dispute

remained unsolved and considered its continued existence a threat to the peace and security in the region." Both China and Pakistan reaffirmed that the Kashmir conflict should be resolved in accordance with the wishes of the people of Kashmir as pledged to them by India and Pakistan."⁶⁰ On 3 April 1965, Ayub also visited Moscow and discussed problems of his country with Brezhnev and Kosygin. The joint communique issued at the end of his visit, among other things, ambiguously contained a formula on national liberation movements, which some Pakistani circles interpreted to have included the Kashmir Liberation movement. Kashmir issue was not specifically mentioned.

Pakistan's version on the outbreak of hostilities was that "India embarked on military operations in the Rann of Kutch in April 1965 and Pakistan army wiped out one complete Indian Division and rightfully took over a place known as Karim Shahi. Further Indian army crossed the cease-fire line in Kashmir in May that year and occupied three Pakistani pickets in Kargil sector. It, however, retreated to its positions when U.N. Secretary General protested against incursions. Lal Bahadur Shastri rushed to Moscow in May 1965, to seek Soviet support against Pakistan; but he failed even to get any mention of Kashmir issue in the communique that was issued at the end of his visit. In June 1965, Zhou Enlai, on his way back from Africa stopped in Pakistan. Among other things, military assistance to Pakistan was discussed. After Shastri's visit to Moscow, however, India again ventured to go on a war path. On 15 August Indian army again occupied those Pakistani pickets in Kargil to ensure safe military movement to Leh (Ladakh). After that incident, hostilities spread along the whole cease-fire line in Kashmir.

On the other hand, India alleged that Pakistan army crossed the cease-fire line at Chamb in Jammu on 14 August that year and Indian forces then launched an offensive and crossed the cease-fire line at Tangdar (Nausiri, Tithwal) area and in to Bidori on Uri side and moved 5 miles deep on Uri Poonch road up to Haji Pir Pass on 29 August. The chief military observer UNMOGIP General R.H.Nimmo furnished his report, on incursions by the two sides across cease-fire line to the U.N. Secretary General on 30 August, who without any loss of time submitted his report to the Security Council on 31 August and simultaneously addressed an appeal to Prime Ministers of India and Pakistan on 1st September that they show restraint. The two countries had the experience of U.N. working at that time; so they tried to capture as large a territory in Kashmir as they could; as to stand at an

advantageous position before they could implement cease fire Resolution of the United Nations. On 2nd September Pakistan army launched an attack and occupied more than 30 Sq.miles in Chamb Jaurian and posed a threat to the roads leading to Poonch and Rajouri from Akhnoor. Incessant occurrences of India-Pakistan armed clashes along the cease-fire line in Kashmir caused some concern and awareness among the saner elements of Indian nation, probably because something had gone wrong. Swarajya reported on 4 September 1965 that "...C.Rajagopalacharya, former Governor General (of India), thinks that the old fashioned attitude of demanding the property right in a disputed territory should be abandoned and "Kashmir adjusted to post-war doctrines of popular will and democracy."

Security Council, however, deliberated the report of its Secretary General hurriedly and adopted a resolution on 4 September 1965 calling upon the Governments of India and Pakistan to take forthwith all steps for an immediate cease-fire in Kashmir. India, however, chose to strike hard at a point where U.N. resolution of 4 September 1965 was not applicable. On 6 September 1965, India launched an attack on Lahore from three sides and opened a second offensive against Sialkote on the next day. "...all but two or three of the nations of the world expressed shock and disapproval. The British Prime Minister deplored the Indian crossing of the cease-fire line; President Nasser of Egypt made it plain to Krishna Menon that attack on Lahore was a gross violation of international frontiers; the People's Republic of China gave ultimatum to India to end her aggression or be prepared for Chinese intervention; and Iran, Turkey and Indonesia gave moral and material support to Pakistan. At Casablanca, all the Arab States condemned the attack on Pakistan and, in the United Nations, the overwhelming majority of countries from Latin America, Africa and Asia were severely critical of India's aggression. There was wide spread sympathy for Pakistan in Western and Eastern Europe. The United states showed great concern at the outbreak of hostilities ..."⁶¹ Contrary to Soviet Union's pro-Indian posture on Kashmir in Khrushchev's days of 1950s' she spoke in two voices during 1965 Indo-Pak war. While in Delhi she asserted that her solidarity and friendship with India would not be disturbed; in Karachi she agreed that Kashmir was a disputed territory and a dangerous problem which should be settled amicably. Pakistan however declared open war with India at this juncture. Heaviest tank battles were fought in Lahore and Sialkote. With the support of air cover Pakistan army succeeded in pushing back the Indian army from many an area it had occupied in the foremost assault.

The Security Council took strong notice of escalation of this war and hurriedly adopted another Resolution No.210 on 6 September 1965 showing concern on the extension of fighting and seriousness of situation. At its operative paragraph No:1, it called upon the parties to cease hostilities in the entire area of conflict immediately and promptly withdraw all armed personnel back to the position held by them before 5 August 1965. On what was called as personal mission, U.Thant (Secretary General of the UN) rushed to Pakistan on 9 September 1965. "China warned Pakistan that it should not expect justice from the U.N., which had a "bad reputation" in the Kashmir case."⁶² On 14 September, the U.S. Ambassador to Poland Cabot Lodge, warned the Chinese envoy Wang Guofan, to stay out of Indo Pakistan conflict...(and) on 17 September 1965, in an identical message to Shastri and Ayub, Kosygin reiterated the Soviet offer for a meeting in Tashkent."⁶³

After hearing the representatives of India and Pakistan, however, the Security Council adopted another Resolution No: 211 on 20 September 1965 which included, besides cease-fire, provisions on the Kashmir issue as well. It inter alia stated: 'Convinced that an early cessation of hostilities is essential as a first step towards a peaceful settlement of the outstanding differences between the two countries on Kashmir and related matters';

'Demands that a cease-fire should take effect on Wednesday, 22 September 1965 at 0700 hours G.M.T. and calls upon both Governments to issue orders for a cease-fire at that moment and a subsequent withdrawal of all armed personnel back to the positions held by them before 5 August 1965.'

Further at item 4 it stated: "Decides to consider as soon as operative paragraph 1 of the Council's resolution 210 of 6 September has been implemented, what steps could be taken to assist towards a settlement of the political problem underlying the present conflict..."

Still the hostilities did not cease. Therefore another resolution No: 214 was adopted by the Security Council on 27 September 1965, whereunder the Council reiterated its resolutions of 4, 6 and 20 September and expressed grave concern that the cease-fire agreed to unconditionally by the Governments of India and Pakistan was not holding. The Council therefore demanded "that the parties urgently honour their commitments to the Council to observe the cease-fire, and further called upon the parties promptly to withdraw all armed personnel as necessary steps in the

full implementation of the Resolution of September 20."

China, however, did not fail to fulfill its commitment to Pakistan, to the extent it was possible under the pressure from United States. A credit of \$67 million was granted and the first shipment of arms despatched to Pakistan in October 1965, when there was a delay in the achievement of the complete and effective cease-fire and a prompt withdrawal of armed personnel to 5 August 1965 positions. Again the Security Council adopted one more Resolution 215 on 5 November 1965, whereunder it demanded prompt and unconditional execution of the proposals already agreed to in principle by the Governments of India and Pakistan, and directed the Secretary General to report progress within three weeks.

It is interesting to note that at this crucial juncture, Indian Finance Minister Mr. Krishnamachari went to Moscow in November 1965 and managed to obtain a commitment of 900 million rubles aid from Soviet Union for India's fourth five year Plan. The Soviet Union Embassy in Pakistan, however, released a Novosty Press Agency despatch on 12 November, which said: "It was always clearly realized in the Soviet Union that the cease-fire between India and Pakistan, although being a great victory of the forces of reason and peace, does not however mean the elimination of the causes of conflict. The Soviet Government proceeded and continue to proceed from the fact that the elimination of these causes is a matter above all of India and Pakistan. Precisely India and Pakistan should sit down at a conference table in order to settle this old and dangerous issue'... The Embassy despatch added: 'Such is the position of USSR in the Indo-Pak conflict. Attempts are at times made to claims that the Soviet Union is allegedly not objective and is inclined to support one side at the expense of the other side. Such opinions are far from reality.'"⁶⁴

Although under this proposal, Soviet Union by implication recognized Kashmir as a dangerous issue and desired that India and Pakistan should settle it inter-se at a conference table, she had her own axe to grind. Deliberations and/or decisions of belligerents would hardly be valid or meaningful in respect of Kashmir, for: (a) People of Kashmir - the universally recognized principal component of Kashmir issue were not the party to the agreements and (b) India and Pakistan, in the real sense, have accepted a subservient role to hold plebiscite in Kashmir under U.N. auspices. Any of the decisions of belligerents in respect of the people of the disputed territory would always therefore be ultra vires, and shall always tantamount to deciding the fate of the prey

by belligerent birds of prey.

On the other hand, the military Junta and saner elements in Pakistan might have been on the horns of dilemma; for the U.S. Government had not come to the rescue of Pakistan at this occasion. United States Government had till then concluded several defence agreements with Pakistan, which included:

- (1) Mutual Security and Assistance Agreement of 19 May 1954.
- (2) South East Asian Treaty.
- (3) Baghdad Pact / CENTO and United States Announcement of 29 November 1955 that it had guaranteed the territorial integrity of the Baghdad Pact countries.
- (4) Montreal Defence Pact of 1956.
- (5) Pak-U.S. bilateral Agreement of March 1959.

One wonders the mockery of these agreements. Had these been drawn de-haut en bas? Otherwise there could be no solid reason that the U.S. Government should have refused to fulfill her obligations and ensure Pakistan's territorial integrity in 1965 war. If, however, all these Defence agreements were concluded against the probable aggression from the Soviet Union and China exclusively, then Pakistan Governments of those times had played in the hands of others and stumbled and Pakistan had to pay for that.

A perplex situation must have been created for the Military Junta of Pakistan at that event, by the imposition of a condition under paragraph 4 of U.N. Resolution 211 of 20 September 1965 that further steps towards the settlement of the political problem underlying the conflict (Kashmir issue) could only be taken if paragraph 1 of U.N. Resolution 210 of 6 September 1965 was first implemented. Under this paragraph the parties had been asked to hold cease-fire and withdraw all armed personnel back to the position held by them before 5 August 1965. Whereas cease-fire would be possible, for the two global powers were interested in it; the resolution of pre-August 5 position of armed personnel was doubtful. This would in turn stall further progress on Kashmir issue at the U.N.

To overcome this sort of impasse, Field Marshall Ayub Khan went to Washington in December that year and tried to explore from President Johnson of United States, in an ignis fatuus, whether the U.S. Government could, inter alia, help (a) solve Kashmir issue and (b) bring about pre-August 5 position of Indian armed personnel; so that U.N.O., could proceed further towards the settlement of

Kashmir issue. As no trumpets were blown on the outcome of these talks, it was a conclusive evidence of the fact that a better understanding of each other's position had not emerged. Soviet Union on the other hand, at the close of the year, extended invitation to the President of Pakistan and the Prime Minister of India to hold a meeting in Tashkent, and thrash out the outstanding issue inter-se. This invitation was accepted and the meeting was held at Tashkent under the auspices of the Soviet Union and after deliberations a declaration was made on 10 January 1966. President Ayub of Pakistan and his foreign Minister Z.A.Bhutto, however, differed much on this declaration, which, besides other things, meant that Pakistan's position was not so weak as to go for this sort of agreement.

Tashkent declaration has nine clauses in all. Clause-1 speaks of the resolve of the two countries to create good neighbourly relations in accordance with the U.N.Charter and to settle their disputes through peaceful means. Kashmir issue was only discussed with this background in this meeting. Clause-2 of this declaration is in fact the operative clause of this declaration, as the two countries agreed to observe cease-fire and withdraw all their armed personnel to 5 August 1965 position by 25 February 1966. Clause-3 to clause-8 pertain to non-interference in internal affairs of each other, restoration of diplomatic relations, trade, communications and cultural relations, repatriation of prisoners of war and problems of refugees. Another constructive clause appears to be clause-9 of this declaration, where under Prime Minister of India and President of Pakistan agreed to set up a machinery at various levels and joint Indo-Pak bodies for sorting out matters of direct concern.

Contrary to Novosty Press Agency despatch of 12 November 1965, stated loco citato, the leaders of Soviet Union either could not or did not bring about any solution to the causes of conflict between the two countries. But the decision of the withdrawal of armed personnel to 5 August 1965 position read with the agreement of the two countries to settle their disputes through peaceful means and create good neighbourly relations in accordance with the U.N.Charter did remove the rider that had been placed by the Security Council at paragraph 4 of Resolution 211 of 20 September 1965 in respect of Kashmir issue.

The desire of Soviet Union to improve relations between India and Pakistan under her auspices, might have, inter alia, emanated from the idea of containing Chinese and U.S. influence on the sub-continent, as also to divert the Chinese army towards the frontiers of India and

Pakistan, so that the pressure of Chinese army on the Soviet Union border could be reduced to that extent. This was not, however, so easy. Pakistan had already joined hands with China. India too was not willing to aggravate her differences with China any further. Pakistan, Afghanistan and Soviet Union friendship was of course expedient in the sense that Soviet Union could in due course of time, gain road and/or rail access to the shores of Arabian sea through Pakistan and compete with Anglo-American, European and South East Asian markets in gulf countries and around to her advantage. But close relationship between India and Pakistan or Soviet Union and Pakistan was dependent on the settlement of Kashmir issue per-se; which the Soviet Union either failed to visualize and channelize in the right direction; or that Soviet Union did visualize the crux of the problem but its settlement did not fit with her scheme of things in a wider perspective; or that Soviet Union did not like to displease her close ally - India, and whatever was to the taste and liking of India that much could be accomplished in this meeting of the two countries at Tashkent. However, the achievement to the credit of Soviet Union in this tenuous rapprochement was the withdrawal of armed personnel of India and Pakistan to 5 august 1965 positions. Follow up action in respect of setting up a machinery for settling the problems inter-se was, however, immediately marred by the sudden death of the Prime Minister of India (co-architect of the Tashkent declaration) L.B.Shastri on the same night at Tashkent, soon after signing that declaration.

In accordance with U.N.Resolution of 20 September 1965, Security Council had now to move further and take steps towards the settlement of the political problem underlying the conflict; for the two countries had implemented that part of this resolution which pertained to holding of the cease-fire and withdrawal of armed personnel back to their positions. But since Soviet Union had directly intervened and the two countries had responded, the outlook of Anglo-American block and the policy in respect of Kashmir dispute had to be adjusted according to the changed conditions. So the Security Council slept over the matter and the Kashmir issue faded in to the background. Otherwise also this issue would meet the same fate in consideration of super power interests in the region.

In these changed conditions, United States started making direct approaches to India and Pakistan that they collaborate in joint economic ventures. Pakistan Government still hoped that military aid from the United States would continue to flow, and attended the eleventh meeting

of the Council of the SEATO on June 27-29, 1966 at Canberra. Though her delegate expressed disappointment, for the SEATO members had not responded to the Pakistan's request invoking SEATO provisions in Indo-Pakistan war of 1965 but that ran unheeded. Military aid floated by the United States to Pakistan and India was not used against Soviet union or China, but consumed in the war between the recipients inter-se. That sort of utilization of arms at that time ran counter to the policy of Anglo-American block and warranted the re-appraisal of that scheme abinitio. U.S. military aid to Pakistan and India was therefore terminated in April 1967.

Under the revised policy, United States set Kashmir issue apart and directed her energy towards involving India and Pakistan in a series of joint ventures. "In New Delhi on 9 May 1967, this scheme was elaborated by Mr. George Woods, President of the World Bank, when he stated numerous advantages would accrue to India and Pakistan if they collaborated in projects that could be financed by the Bank."⁶⁵ But all this proved to be a futile exercise, for the joint economic projects could not be contemplated in a situation of belligerency. That needed a friendly atmosphere between the two countries, which in turn again meant the settlement of Kashmir issue.

The crux of Tashkent declaration was that the two countries settle their disputes by peaceful means and desist from interference in the internal affairs of each other. In 1967-68, Z.A. Bhutto wrote that "India would, in the first instance, turn her attention to the rich and alluvial portion of East Pakistan, which would be assailed with propaganda and subjected to economic and cultural encroachments. India would attempt by threats and seduction, by insidious cultural infiltration, by sheer weight of proximity, to absorb East Pakistan in to West Bengal. The present theme of Indian propaganda is that the fifty five million people of East Pakistan should not sacrifice their future and be exploited for the sake of the five million of Jammu and Kashmir."⁶⁶

Soon there started difference between the leaders of East and West Pakistan on the status of provinces in the federal constitution. Mountbatten - the co-architect of Partition of India, had "predicted to the man who would succeed him in Viceroy's house, C.R. Rajagopalachari that East Bengal would be out of Pakistan in a quarter of a century."⁶⁷ The two wings of Pakistan lay about 1000 miles apart from each other. Besides this strong geographical constraint on the unity of this country, there were other strong factors, which inter alia included differences in race and human style. One part fell in

South East Asia and the other close to West Asia. Religious and constitutional bindings couldn't help. President Ayub of Pakistan was obviously averse to the lukewarm approach of U.S.A. and her allies on the settlement of Kashmir issue. Over a period of 10 year military rule he had measured the relative degrees of utility and futility of SEATO and CENTO for Pakistan. He either wanted to give amends in his foreign policy and system of administration or was entangled by some other factors in a quandary of democratic upsurge in his country. The momentum that the democratic upsurge had gathered in hibernation over a period of 10 year military rule was strong enough to overthrow the military rule and Ayub couldn't stand against it. He therefore gave up in favour of next in command in his military junta, General Yahya Khan in March 1969. This military General was not capable enough to channelize that democratic upsurge in the right direction. The agitation that had started in East Pakistan in a mild form in the beginning under the leadership of Sheikh Mujib-ur-Rehman gradually changed into a separatist movement in a period of two years or so. Major contributing factor of this movement was the storm of 1970 in the Bay of Bengal which struck East Pakistan so badly that it swept thousands of its population and a large number of human settlements. Yahya Khan's Government could not cope up with the situation. It did not render sufficient help to the bereaved families and/or other affected population. It did not ask for international help in a big way. This created a strong feeling among the people of East Pakistan that they were ruled by an alien Government of West Pakistan. India took advantage of this situation and initially brought herself under the protection of Soviet Union by concluding the 'Peace, Friendship and Cooperation Treaty' with her on 9 August 1971. In a way this treaty was a sort of defence pact. Then India joined the fray by proxy in East Pakistan. Pakistan Government, instead of ameliorating the situation within, squarely attributed the stir to the machinations of Indian Government and cried hoarse that India was interfering in the internal affairs of Pakistan against the Tashkent agreement. Further it alleged that a conspiracy was hatched by leaders of East Pakistan on Indian soil in Agartalla town of Tripura State close to the borders of East Pakistan. As a result, political leaders of East Pakistan were arrested. Sheikh Mujib was flown to West Pakistan and placed in prison over there. Situation deteriorated beyond retrieve and gave rise to armed uprising. Pakistan Government alleged that the revolutionaries received training and arms in West Bengal. A point of no return was reached and a struggle for cessation of East Pakistan supported by India soon ensued. Contrary to all norms of peaceful co-existence,

respect for territorial integrity and sovereignty and non-interference in each other's internal affairs, India recognized East Pakistan as Bangladesh on 6 December 1971 and openly jumped in the fray. In order to buttress 'Mukti Bahini' of East Pakistan, Indian army first crossed the international boundary in East Pakistan and another war between India and Pakistan broke out. Pakistan's position was weak this time. United States had stopped military aid to both Pakistan and India, but India continued to receive unstinted aid from Soviet Union. Pakistan, this time, had to face not only Indian army but her people of East Pakistan as well. People being a strong force, Pakistan army in East Pakistan succumbed and surrendered before the Indian army on 17 December 1971. Hostilities ceased forthwith most probably due to warning given by United States. 93000 Pakistani soldiers and civilians were taken as prisoners of war. Cessation of East Pakistan was thus accomplished by the people of East Pakistan with the help of Indian army and Bangladesh was established. Further in this war 6164 Sq.miles territory of West Pakistan was run by Indian army before the hostilities ceased. In Kashmir, however, there occurred some incursions of cease-fire line on both sides.

As happened in 1965 war, SEATO and CENTO countries and United States did not come to the rescue of Pakistan in this war as well, which implied that United States in particular wanted it to go that way. U.S.A. cried halt to the hostilities at the stage when East Pakistan had been almost jettisoned. Pakistan's friendly relations with China and her membership in the SEATO were paradoxical. Therefore weakening of Pakistan and clipping one wing - East Pakistan, from this twin winged country was in line with that hypothesis.

General Yahya Khan, the successor of Field Marshall Ayub Khan was, as a result of this debacle, thrown out and Zulfikar Ali Bhutto was taken as the President of shattered Pakistan in December 1971. This was the end of 13 years first round of military rule in Pakistan. Pre-occupied, as he must have been, with the fear that Indian army would not leave Bangladesh, and might establish its hold on that new born country if urgent steps were not taken; Mr. Bhutto, immediately on taking over as President of Pakistan made a dramatic move and to the surprise of his people, he released the leader of the separatist movement Sheikh Mujib-ur-Rehman from the West Pakistan jail in the night, gave him his own over-coat to wear and arranged his special flight to London, where from he rushed back to his new born country - Bangladesh (erstwhile East Pakistan). Sheikh Mujib had led the separatist

movement and he had the support of his people. His leadership had been recognized by India in particular. Mr. Bhutto must have thought that Sheikh Mujib alone could save his new born Muslim country from the Indian dominance and occupation. That in fact, did happen that way. Soon after Sheikh Mujib returned to Bangladesh, he first attended to the problem of withdrawal of Indian army and the same was withdrawn from there in a very short time.

After a couple of months, when dust settled to some extent, the two belligerents India and Pakistan came to a conference in Simla on 28 June 1972. They deliberated their points of differences and conflicts and at one stage negotiations came to a breaking point. Either the victorious belligerent negotiated de-haut en bas and desired from Pakistan that she should, besides giving up East Pakistan, bring an end to Kashmir issue against the return of 6164 Sq. miles territory of West Pakistan that had been occupied by India in this war; or the defeated belligerent did not agree to go that far and bury the principal issue of conflict in that sort of give and take. Further the repatriation of 93000 prisoners of war remained in a state of uncertainty. It is believed that Soviet Union, intervened and saved the situation. While narrowing down the differences on the principal issues of conflict, the Simla Agreement, as it came to be called, was evolved containing ambiguity so that it could be interpreted by the parties to their advantage. The text of Simla Agreement dated July 3, 1972 runs:

The Simla Agreement (1972)

The Government of Pakistan and the Government of India are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

A. In order to achieve this objective, the Government of Pakistan and the Government of India have agreed as follows:

- i) That the principles and purposes of the charter of the United Nations shall govern the relations between the two countries;
- ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutual-

ly agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;

- iii) That the pre-requisite for reconciliation, good neighbourliness and durable peace between them is a commitment by both the countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non-interference in each other's internal affairs, on the basis of equality and mutual benefit;
- iv) That the basic issues and causes of conflict which have bedeviled the relations between the two countries for the last 25 years shall be resolved by peaceful means;
- v) That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality;
- vi) That in accordance with the Charter of the United Nations they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

Both Governments will take all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

B) In order progressively to restore and normalize relations between the two countries step by step, it was agreed that:

- i) Steps shall be taken to resume communications, postal, telegraphic, sea land including border posts, and air links including overflights.
- ii) Appropriate steps shall be taken to promote travel facilities for the nationals of other country.
- iii) Trade and co-operation in economic and other agreed fields will be resumed as far as possible.
- iv) Exchange in the fields of science and culture will be promoted.

In this connection delegations from the two countries will meet from time to time to work out the necessary details.

C. In order to initiate the process of the establishment of durable peace, both the Governments agree that:

- i) Pakistani and Indian forces shall be withdrawn to their side of the international border.
- ii) In Jammu and Kashmir, the Line of Control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from threat or use of force in violation of this line.
- iii) The withdrawals shall commence upon entry into force of this Agreement and shall be completed within a period of 30 days thereof.

D. This Agreement will be subject to ratification by both countries in accordance with their respective constitutional procedures, and will come into force with effect from the date on which the Instrument of Ratification are exchanged.

Both Governments agree that their respective heads will meet again at mutually convenient time in the future and that, in the meanwhile, the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

ZULFIKAR ALI BHUTTO
President
ISLAMIC REPUBLIC OF PAKISTAN
Simla, the 2nd July, 1972

INDRA GANDHI
Prime minister
REPUBLIC OF INDIA

On perusal of Tashkent declaration of 1966 and Simla Agreement of 1972 one finds that India and Pakistan have first agreed that principles and purposes of U.N. Charter shall govern their relationship, which clause obviously covers all other clauses of the two agreements, which pertain to withdrawal of armed personnel to original positions, peaceful co-existence, territorial integrity, sovereignty, non-interference in each other's internal affairs, friendly relationship, development of trade, communications, cultural relations and above all to the settlement of the disputes and differences through peaceful means. As stated above there is lot of ambiguity in Simla Agreement. In its preamble this agreement, inter alia states: "The Govt. of Pakistan and Govt. of India

are resolved that the two countries put an end to the conflict..." In the last paragraph it states: "Both Governments agree that their representative heads will meet again at a mutually convenient time in the future and that in the meanwhile the representatives of the two sides will meet to discuss ...the question of repatriation of prisoners of war and civil internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations." That obviously implies that the two countries in one breath resolved to put an end to the principal conflict (Kashmir) and in another breath they postponed its settlement to some future date. Note that two decades (1972-1992) have elapsed, no time has been convenient to India to discuss Kashmir issue.

Clause A(ii) of the agreement if read in isolation conveys the meaning "that the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other means mutually agreed upon...", but if this clause is read with clause A(i) of the agreement, "that the principles and purposes of the Charter of the U.N. shall govern the relations between the two countries, U.N.C.I.P. resolutions are very much involved, for the same have been agreed upon by them before the Security Council. It may be pointed out here that Simla Agreement or for that matter any other agreement drawn by India and Pakistan in respect of Kashmir, if it be in disagreement or in derogatory adjustment of the resolutions of the U.N. resolutions, is redundant in the face of Article 103 of the United Nations Charter which reads as: "In the event of a conflict between the obligations of the members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

However, soon after the Simla agreement was signed, both the Prime Minister of India and President of Pakistan were blamed in their Parliaments for having produced an unsatisfactory agreement. Indian Prime Minister was blamed for having returned vast territory to Pakistan against nothing substantial. Pakistan President was blamed to have agreed to bilateral negotiations on Kashmir which, according to them, would accrue nothing in the direction of settlement of Kashmir issue. The President of Pakistan Mr. Bhutto spoke in the Parliament for three and a half hours at a stretch defending his position. "He pointed out that it had amply been stated in the beginning of the Simla Agreement that the relations between Pakistan and India would be governed by the Charter of the United Nations. He said that 'UNCIP

resolutions on Kashmir ...were also relevant to the U.N.Charter and its principles'... 'It had no where been stated that the UNCIP resolutions on Kashmir were no more effective. Regarding its terminology of line of control in place of the cease-fire line, it is mere jugglery of words. Pakistan has never called this line as the international border, more so when it is a fact that there are U.N.observer teams in both parts of the State to observe the Line and keep peace."

Analyzing this agreement in his article published in 'Nation (March 3, 1990)', Mr. Justice Naseem Hassan of Pakistan inter alia stated:

"In the agreement that was reached at Simla between two leaders on July 2, 1972, the problem of Kashmir was discussed in some detail. In relation to the situation resulting from the fighting that had taken place, it was agreed that 'Pakistan, and Indian forces shall be withdrawn to their side of International border. In Jammu and Kashmir, the Line of Control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side.' But as regards the question as to how these outstanding problems existing between them are to be tackled, it was, inter alia, provided that the principles and purposes of the Charter of the United Nations should be the governing rule. Now since the parties agreed to be governed by the principles and purposes of the U.N. Charter in their relations, the resolutions adopted by United Nations with regard to Kashmir Problem which are in conformity with its Charter, as they provide for the exercise of the right of self-determination to the people of Jammu and Kashmir, are applicable in this matter. It is, no doubt correct that it was also agreed in the said agreement that the two countries will solve their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed between them. But apart from that general statement of principle no details are spelled out in the aforementioned agreement.

Now even if the problem of Kashmir is to be resolved between the two Governments only through bilateral negotiations, the question is as to what is the basis on which the two Governments should proceed in these bilateral negotiations? In this connection it must be borne in mind that both India and Pakistan had given a solemn pledge to the people of Jammu and Kashmir that they need not continue their armed conflict and should stop fighting as their wishes with regard to the question of accession will be respected and they will be allowed

to decide their own future in a free and unfettered plebiscite. It is this promise given by both the States of India and Pakistan to the people of Kashmir which was later incorporated in the mutually accepted U.N. Resolutions of August 13, 1948 and January 5, 1949. In these circumstances when Pakistan says that the Kashmir dispute should be settled on the basis of U.N. Resolutions of 13th August 1948 and 5th January 1949, it is merely saying, 'let the principles and purposes underlying the Charter of the United Nations be applied to the resolutions of the dispute', and this is exactly provided in the Simla Agreement, namely that the principles and the Charter of the United Nations shall govern the relations between the two countries. Therefore it is wrong to allege that Pakistan is repudiating the Simla Agreement by asking for settlement of Kashmir dispute on the basis of U.N. Resolutions of August 13, 1948 and January 5, 1949."

Besides the above stated opinions of the President and eminent judge of Pakistan, it is argued here that Kashmir has remained admittedly and universally recognized disputed part of the world ever since the freedom of India and Pakistan. Both these countries have agreed that the final disposition of Kashmir will be made by the people of Kashmir themselves through a plebiscite under the auspices of United Nations. Further they have agreed that constitution making shall in no way affect that cardinal principle of disposition of the State stated as above. After the adoption of resolutions by the United Nations in this behalf and even after undue unilateral application of Article 370 of the Indian Constitution on Kashmir by India, Pt. Nehru, the then Prime Minister of India has given the following assurance in his Parliament on 7th August 1952 in respect of the strength of the verdict of the people of Kashmir:

"I want to stress that it is only the people of Kashmir who can decide the future of Kashmir... In spite of all we have done, we should willingly leave Kashmir if it was made clear to us that the people of Kashmir wanted us to go. However sad we may feel about leaving, we are not going to stay against the wishes of the people. We are not going to impose ourselves on them at the point of the bayonet..."⁶⁸

But Mrs. Indra Gandhi during her premiership of India, first brought India to a position of strength in 1971 war with Pakistan, where she could impose upon Pakistan a decision of her choice on Kashmir issue, she vainly satisfied her ego by contending that through Simla agreement she succeeded to eclipse or enshroud India's earlier stand at the United Nations and commitments of

Indian Government on Kashmir issue. While agreeing to adhere to U.N. Principles on one hand she thought she could usurp the territory of Kashmir India had occupied and change the principle of 'Peoples Will' to the principle of 'territorial occupation' or in to a 'dispute between India and Pakistan'. Changing of the 'cease-fire Line' under the Simla agreement to the 'Line of actual control' was a contrivance in that direction. At the legal level, this line was got styled through the so-called State Legislative Assembly and the puppet Government of IHK as the Jammu and Kashmir Egress and Ingress Control Act. Had such contrivances worked in the past, agreements and treaties between the British Government and the Indian princes would have persisted and prevailed upon all other considerations, and peoples of Indian States would have continued to remain under the British rule. But all those agreements, as is known to the peoples of the sub-continent, lacked the consent of the people. Ultimately, therefore all those agreements and treaties between the British government and Indian princes and rulers and other stooges of British Government lapsed and the supreme 'Will of the People' triumphed. As the principal party of the Kashmir issue - the people of Kashmir were not, in any way, involved in the deliberations and/or discussions in the meetings at Tashkent and Simla, the decisions taken by two belligerents India and Pakistan in respect of Kashmir, which by virtue of U.N.resolutions and commitments of Indian leaders themselves, were obviously meaningless and redundant.

One important point also arises here that suppose India would have instead of 6164 Sq.miles of West Pakistan territory captured as large an area of Pakistan as that of Kashmir State and in the bilateral negotiations with India, Pakistan would have agreed to give up Kashmir issue or even transfer the possession of Azad Kashmir to India in lieu of that territory; would that agreement stand in the face of social justice and international law? Would the Kashmir problem be deemed to have been solved in accordance with the will of the people of Kashmir by that bilateral agreement? "Nothing in international law confers on two parties the authority to make decisions or conclude agreements which adversely affect the rights of a third. The third party here is the people of Kashmir." (Kashmir Information Centre, Washington)

Tashkent declaration of 1966 and Simla Agreement of 1972 are the outcome of different situations. In the former case, the two countries were more or less in equal positions of strength. When Simla Agreement was concluded, situation was different. One party had emerged

powerful and victorious belligerent, and the other a defeated one. Should therefore bilateral negotiations and bilateral agreements between two belligerents affect the recognized cardinal principle of the will of the millions of the people of Kashmir for no fault of theirs? Kashmir, it may be insisted here, is not the problem of landed property that it can be made susceptible to bilateralism between India and Pakistan. It was so treated in the early stages of British rule over India, when that infamous treaty of Amritsar was concluded between the East India Company of the British Government and Raja Gulab Singh. Old doctrines of treating a disputed territory, where millions of people live, as landed property shall have to be given up and will of the people respected. The Prime Minister of India Mr. Nehru has said in January 1952: "Kashmir is not the property of India or Pakistan. It belongs to Kashmiri people,"⁶⁹ who have grown to 12 million in the year 1991.

After having won 1971 war with Pakistan, India again made a leap forward in the direction of imposing its hegemony on the sub-continent by emerging a stronger power, when it exploded an Atomic bomb in 1974. On account of that very fact Pakistan's leadership was left with no alternative but to go slow on the Kashmir issue. Mr. Bhutto first concentrated on placing the war shattered Pakistan back on its wheels and then started translating Simla Agreement in peaceful terms. The purport of this agreement mainly lay in its clause 1, which bound the two governments with U.N. Charter. Reference to the United Nations meant adherence to its resolutions, which in turn meant reference to the people. Bhutto, therefore, issued a statement on 24 February 1975 calling for a general strike on 27 February by the people of Kashmir State against Indian occupation. It was strictly observed in all towns and business centres of entire Kashmir. But the political changes which ensued thereafter in the region around Kashmir contributed heavily in pushing the Kashmir issue in the background, which in turn helped India to retain her illegitimate loose foothold over IHK for some time further.

Briefly describing the political changes that took place in the region, the Prime Minister of Pakistan Mr. Bhutto was overthrown by a coup d'etat on 5 July 1977, imprisoned and then hanged in early 1979 by a military General Zia-ul-Haq. With all his achievements of rebuilding war shattered Pakistan, Bhutto was sacked primarily for working against the interests of U.S.A. It was Mr. Bhutto of Pakistan and King Faisal of Saudi Arabia, at whose instance per-se oil was used as a weapon in Arab Israel war of November 1973. Oil of the Middle East was the

jugular vein of U.S.A. and her allies. Again it was at the instance of these two leaders that Islamic Development Bank was established in Tunisia, inter-alia, with the aim of diverting the flow of surpluses of oil rich Islamic countries from American and European Banks towards the development of Islamic countries. World Islamic meeting chaired by King Faisal was organised by Bhutto at Lahore in Pakistan in June 1974, and a pan Islamic wave was set in. Immediately after this historic meeting King Faisal of Saudi Arabia was killed in December 1974 and the axe fell on Mr. Bhutto thereafter. "Bhutto charged that he was overthrown because of his conflict with Henry Kissinger (President of U.S.A.), who had signed 'a death sentence against his person.'" (Executive Intelligence Review (E.I.R), March 1, 1989)

Zia-ul-Haq initially made a presidential proclamation on July 5, 1977 and played many a tactics and somehow or the other managed to hold power in Pakistan. He often promised his people that he would set in the process of democracy in Pakistan and carried that way for some years. But when pressure developed he introduced so-called democracy in Pakistan in the garb of providing Islamic constitution in that country and continued to remain in power.

During the very first year of General Zia-ul-Haq's tenure as President of Pakistan, there occurred simultaneous political change in Afghanistan, when Soviet backed leftist regime headed by Mohammed Tarakki came in to power on 27 April 1978 there. Then came the Soviet invasion of Afghanistan. It was definitely a leap forward of the Communists against what U.S. and her allies had all along evolved strategy of containment and/or encirclement. The possible next step in the Soviet onward march could be Baluchistan province of Pakistan and then easy access to oil rich gulf countries and Indian ocean. Pakistan's strategic importance in containing the Soviet Union was therefore monetarily and militarily boosted up by the United States and her allies, in order that Pakistan could provide shelter to millions of Afghan refugees and provide them strong base for armed struggle against communist infiltration in their homeland.

People of Afghanistan were either averse to communism or had a social background different from the communistic society. From that differential there ensued a rebellion. Neighbouring countries Iran and Pakistan extended their moral support to rebel groups. In order to establish its foothold in Afghanistan and quell rebellion, Soviet Union made available to Afghan Government of Babrak Karmal all sorts of military equipment such as tanks, war planes of

all sorts, surface to air missiles etc. In December 1979 Soviet Union despatched her troops to Afghanistan on a plea to help build socialism there.

"In the early 1980s' (Soviet) Foreign Ministry officials spoke of the Afghan 'revolutionary party', which the Soviet Union was backing in its fight against (what they called) the 'dark forces of the past.'⁷⁰ This sort of anti-Islamic policy of Soviet Union in Afghanistan caught the attention of Saudi Arabia and made it obligatory on her part to come to the rescue of Afghan people and extend all moral and material support to them.

"In the first years of (Afghan) war, News papers of Soviet Union wrote of an amorous and benign 'limited Soviet troop contingent' was helping Afghanistan in building roads and delivering fertilizers to villages."⁷¹ But within first three year period of Soviet intervention, the number of Soviet troops in Afghanistan rose to more than 85000. It was therefore apparent that Afghan resistance fighters could not be as easily quelled by the military might of the Red Army as the Soviets had erroneously assumed. The Resistance Movement in Afghanistan assumed alarming proportions and set in waves of emigration of Afghan people in the direction of neighbouring countries of Pakistan and Iran. Pakistan's military ruler General Zia, on the other hand, gave a statement on May 13, 1984 that Pakistan would neither close its doors to Afghan refugees nor would it recognize the Babrak Karmal (communist) regime in Kabul. Thus the Afghan refugee problem in Pakistan grew by leaps and bounds in early 1980s' to 3.50 million and that in Iran to about 1.50 million over a short period of time. Pakistan therefore remained heavily occupied with the refugee problem and consequently could not pay that attention to the Kashmir issue during Afghan war that was necessary.

Another important development that added fuel to the fire in the region around Kashmir was the Separatist Movement of Punjab in India, which started under the leadership of Sant Bhindranwale on April 13, 1982. It flared up in all parts of Punjab and took a worst turn when Mrs. Indra Gandhi, the then Prime Minister of India ventured to quell down the movement with a heavy hand and Indian armed forces fought a heavy gun battle in and around the temples of Sikhs particularly in Amritsar, Chok Mehta and Patiala in June 1984. Operation Blue Star, as it was named, left thousands of Indian soldiers and a few hundred of Sikhs killed mostly in Golden Temple at Amritsar. In this operation Sant Bhindranwale too was killed. But the separatist Movement launched by him

gained momentum and in due course of time resulted inter alia, in the assassination of Mrs. Indra Gandhi herself, allegedly by Sikh youths on 29 October 1984.

Separatist Movement of Punjab was in no way similar to Kashmir. Therefore this Movement did not have any tangible effect on Kashmir problem; but it did contribute in due proportion in awakening further the Muslim majority of Kashmir to the fact that minorities in India were not satisfied with what Indian leaders called secularism and democracy.

General Zia, however, was successful in turning Afghanistan war in to a manageable conflict in the region. With the backing of U.S.A. he could muster international support through United Nations to combat the unwieldy refugee problem of his country and remained very consistent in supporting the Resistance Movement in Afghanistan. With all this achievement he could not, however, curb the Movement for Restoration of Democracy that had grown in Pakistan on account of incessant application of Martial law. Wily-nilly, however, he gave in to the people's pressure and lifted Martial Law and abolished military courts in Pakistan after more than 8 years on December 31, 1985, but retained several martial law orders which he had already passed.

In mid 1980s' communism received a set back in Soviet Union when some fundamental changes in political and economic fields of that country were introduced. In July 1988 Gorbachev declared: "Soviet people want a clear perspective. They want full-blooded and unconditional democracy. They want rule of law without reservations. Glasnost in all things, big and small."⁷² Further he declared drastic changes in foreign policy of Soviet Union and priority of common human values. He stated: "A key factor in the new thinking is the concept of 'freedom of choice'. We are convinced that this is a universal principle for international relations at a time when the very survival of civilization has become the principal problem of the world, its common denominator ... In this situation the imposition of a social system, way of life, or politics from outside by any means, let alone military, are dangerous trappings of past epochs. Sovereignty and independence, equal rights and non-interference are becoming universally recognized rules of international relations, which is in itself a major achievement of the 20th century. To oppose freedom of choice is to come out against the objective tide of history itself. That is why power politics in all their forms and manifestations are historically obsolescent."⁷³

Under this new policy of Gorbachev, Iron Curtain of Communism was lifted, policy of confrontation changed and plans were drawn for the withdrawal of Soviet troops from Afghanistan. From this historic change in the Soviet policy, there ensued changes in the policies and plans of the Soviet States, her allies and other countries and following events appeared in various parts of the world in quick succession:

- (1) "Zia-ul Haq refused to accept the new U.S. line, he and his top advisers had to go. And go they in one sweep."⁷⁴ That is General Zia of Pakistan and his top advisers were killed in a plane crash on 17 August 1988. With the end of Zia, however, there started a democratic process in Pakistan after 11 long years of military rule.
- (2) After more than 10 years of Afghan war, Soviet troops were pulled out of Afghanistan by 15 February 1989 mainly due to her failure to win the battle.
- (3) After about 3 years of armed intervention, Indian troops were pulled out of Srilanka by March 1990. Indian troops had entered Srilanka (an alien country) on the pretext of ensuring the rights of Tamils (mostly Hindus), living over there. Changing trend in power politics of the world and the futility of the military adventure in Srilanka compelled Govt. of India to take such an action.
- (4) On 24 April 1990 China and Soviet Union signed an agreement for reducing their armed personnel from their borders.
- (5) 'We are leaving the Cold War behind.' declared President Bush of United States on 3rd June 1990 after concluding an agreement at Camp David with Mikhail Gorbachev - the President of Soviet Union.
- (6) Some communist elements in Soviet Union sacked President Gorbachev on 19 August 1991. But that coup stood only for 3 days. Gorbachev was taken back with the help of another leader Mr. Boris Yeltsin as the President of Soviet Union on 22 August 1991.
- (7) On 3rd October 1990 East Germany and West Germany declared their merger in to one united Germany. On 19th October 1990 the two halves of Germany were united.
- (8) On 19th November 1990 Paris Charter of Peace, limiting armaments was signed by 34 European, NATO and WARSAW alliance, countries.
- (9) In 1990, Iraq occupied Kuwait by force. United States and her Western allies including Japan got much agitated because their oil supplies from Kuwait got stopped. United Nations Organisation was immediately involved by the United States. Without any loss of time, United Nations passed a resolution that Iraq should leave Kuwait. When President of Iraq, Saddam Hussein refused to implement U.N. resolution, U.S. and her western allies launched a unified attack against Iraq in December 1990.

Iraq could withstand their combined onslaught for three long months and finally gave in and left Kuwait in February 1991. It is interesting to note that for the first time force was used for implementation of U.N. resolution and the cost of this war on the U.S. side was borne by the Saudi Arabia, Egypt and Kuwait. In respect of Kashmir U.N. resolutions were passed in 1948 and 1949, which remained to be implemented till 1992.

(10) Warsaw Pact ceased to be a military alliance on 31 March 1991 and this pact was formally dissolved on 1st July 1991.

(11) On 30 July 1991, three Baltic States viz. Lithuania, Latvia and Estonia, which the Soviet Union had captured in world war II, declared their independence. Later on 4th September 1991 Gorbachev agreed to grant independence to these States.

(12) On 31 July 1991 Strategic Arms Reduction Treaty (START) was signed by George Bush (President of U.S.A.) and Mikhail Gorbachev (President of Soviet Union).

In the second half of 1991, Soviet Union showed distinct signs of breaking apart. Out of its 15 republican States, 4 had already become independent. Remaining 11 States desired to become independent and form a common wealth. Gorbachev did not agree to the idea of dismemberment of States. He wanted to overhaul the communistic system by introduction of democratic processes in it. His earlier speeches of 1989 showed all signs of re-invigoration of Leninist nationality policy. The reforms which he started under Glasnost (openness) and Perestroika (re-structuring of the system) for freedom of choice, press and religion, industrial development, allotment of lands to town dwellers on a large scale etc., in turn encouraged the minority nationalities to give voice to their grievances and made the principle of human rights in Soviet Union a reality. On one side the masses desired adoption and assimilation of reforms in the system at an accelerated pace, but on the other side, the bureaucratic command system, which had grown in Soviet Union over decades under the rule of Stalin, Khrushchev and Breznev, was reluctant to channelize the directives of Gorbachev so quickly. Perhaps it was difficult to short circuit the process. That differential caused unrest in Soviet Union. Demands for dismemberment of States grew faster. Boris Yeltsin, equal in command with Gorbachev since latter's re-instatement in August 1991, wanted to go with the change. The architect of Glasnost and Perestroika, Mr. Gorbachev failed to see his dream come true. He resigned and calmly handed over his charge to Boris Yeltsin on 25 December 1991; and the Soviet Union broke further in to 11 independent States with a tenuous bond under a Common Wealth. The Prime Minister of Great Britain declared that

Michael Gorbachev changed the course of world history. The President of United States - George Bush, however, claimed in January 1992 that the United States had won the Cold War with the Soviet Union.

Kashmir problem, was first created by the British in 1846 (See Chapter on Historic Role of Dogra Trio), with a strategy to prevent Russian march on to the Indian sub-continent. On leaving India in 1947, British again used Kashmir and created a perpetual problem for Kashmiri people, Pakistan and India in her own interest. Pakistan was involved in SEATO, CENTO and Afghanistan War against communist expansion. Now that Cold War is over, and Communist threat has receded, it remains to be seen how the wind blows.

Under the changed conditions of the world, Kashmir problem is likely to change. Muslim States of Soviet Common Wealth namely Azerbaijan, Turkmen, Uzbekistan and Tajikistan lie respectively close to Muslim States of Turkey, Iran, Afghanistan and Pakistan. These Soviet states shall, in all probability, break the 'Iron Curtain' of communism and Encirclement Plan or Defence Perimeter of the U.S.A. Other two Muslim States of Kazakhstan and Kirghizia are likely to follow suit, if the enemies of Muslim Unity do not succeed otherwise. Official and unofficial contacts of these Soviet Muslim States with outside Muslim world are due to multiply, for there is an urge in so doing on the other side. That might, besides other things, result in development of Communication Systems inter-se. Some important changes in the geo-political arena of Asia in particular are due to take place. U.S.A. and her Western allies are presently heavily engrossed in making assessment of the situation for evolving future global strategies in the revised context. It is at this critical juncture again that Kashmir, the strategic part lying close to Central Asia, Pakistan, Afghanistan, China and India, will be used by the global powers in their interest.

The people of Kashmir have in the meanwhile, launched armed struggle against alien rule of India in 1989. For the past three years they have suffered heavily at the hands of military and para-military forces of India. It remains to be seen whether the principle of self-determination established under U.N. resolutions on Kashmir, shall fit with the revised strategies of global powers or not. While the President of United States, George Bush has, among other things said at New Hampshire in January 1992 that he will lead freedom in all parts of the world, it is most unlikely that freedom in Kashmir or in any other part of the world can prevail upon him or any other

government of western world against their own global interests. For 12 million voiceless subjects of Kashmir, it is not easy to overcome odds of international gangsterism, for Kashmir is situated at a place vulnerable to international machinations. Possibility of their freedom lies in their consistent and sustained struggle, their unity within and in the unity between Pakistan, Aghanistan, Iran and Muslim States of Central Asia. It is however, doubtful whether the unity of these Muslim States will fit with the revised global strategies of U.S.A., her western allies and Russia. Policy of the United States on Afghanistan is also likely to change in the context of the changes that have taken place in the Soviet Union. That sort of phenomenon suggests extraordinary display of ingenuity, heavy sacrifices and hard work on the part of populations of Afghanistan, Iran, Kashmir and Pakistan in the direction of unity.

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STEP BY STEP COLONIAL DOMINATION OF INDIAN HELD KASHMIR (IHK)

(1) Puppet Emergency Council installed

In October 1947, Hari Singh Dogra's army was routed by the Kashmir Liberation Army and the tribesmen of Durrand Line areas of Frontier province. On 25/26 October night and 26 October morning Hari Singh with his family and top ranking supporters fled by road from Srinagar. M.C. Mahajan and V.P. Menon had bundled up with Indian air lines staff in some old jeep and left Srinagar for Delhi by air in panic. National Conference leader Sheikh Abdullah had cleverly pushed out his family early. He too skulked away by air with Menon. While in the forenoon of 26 October Mahajan had discussions with Mr. Nehru and others in Delhi on the issue of military assistance; in the afternoon, he declined the request of Pt. Nehru to go to Jammu on an important and urgent assignment of obtaining the signature of Maharaja on the instrument of accession. That historical drama has been investigated and described in the previous chapter on 'Action Plans for Annexation of Kashmir', and needs no further elucidation. On 27 October 1947 morning Indian Government air dropped her troops on Kashmir soil at Srinagar airport. After he became sure that the Indian army had gone in to action in Srinagar, Mahajan ventured to fly to Jammu. After 27 October, probably some day between 27 October and 30 October Sheikh Abdullah returned to Jammu in a hope to become the Prime Minister of Indian Held Kashmir (IHK). But that post could not be had immediately for he had practically to prove further his bonafides of being a true pro-Indian and eradicate anti-Indian elements from Kashmir ruthlessly. Hari Singh on the other hand was doubtful of his being faithful to him, but couldn't evade the directives of the Indian Government; for he had taken rebirth by the military intervention of Indian Government and was at its mercy. At the instance of Delhi Government therefore, the crest fallen Hari Singh, willy-nilly, issued an Emergency Order at Jammu under his No:176-A of 1947 on 30 October 1947 which reads as under:

"We are hereby pleased to command that pending the formation of the interim Government as agreed upon and in view of the emergency that has arisen, I charge Sheikh Mohmad Abdullah to function as the Head of the Administration with power to deal with emergency.

Sheikh Mohmad Abdullah be sworn in by the Chief Justice or any other judge of the High Court at Srinagar."¹

This initial gimmick obviously reflects much of concoc-

tion. Hari Singh had admittedly lost his control over Kashmir and his administrative machinery had collapsed, the moment he fled from Srinagar with his family and bag and baggage. At that event about 80% of the State had gone out of Maharaja's hands. War between Indian army on one side and the liberation forces and tribals on the other was going on. Atmosphere was very tense and situation grim. Swearing of Sheikh Abdullah at Srinagar, as Head of the Emergency Administration was therefore impossible in that situation. Abdullah himself later admitted that he "took oath of his post at Jammu on 30 October 1947." He did not however reveal in his book whether he was at all sworn in by any judge of the High Court or not. With the appointment of Sheikh Abdullah as the Head of the Emergency Administration, however, the position of Mahajan remained in doldrums.

Simultaneously an Emergency Council of 23 members was formed to deal with the situation in IHK. They consisted of 13 Muslim (57%) and 10 non-Muslim (43%) members. Bakshi Gulam Mohmad was given Dy. Administrator's post. Key posts of this Emergency Council viz. Secretary to the Council and Law and Order were both given to Kashmiri Hindus by name Janki Nath Zutshi and Durga Prasad Dhar respectively. Mr. Zutshi also held the post of Private Secretary to Head of the Administration, so that Abdullah's activities could remain under close surveillance. Also 5 members or 22% of the Council membership came from the same microscopic minority of Kashmiri Hindus who consisted of only 2% population of Kashmir State. This in turn meant that Indian Government had full confidence in this minority community. Durga Prasad Dhar later held many a responsible position in the IHK Government and Indian Government. In fact the same Kashmiri Hindu was the co-architect of overthrowing Sheikh Abdullah in 1953 and Simla Agreement of 1972. There were only five members on this Council from Jammu (One Muslim and four Dogra Hindus). Twelve Muslim members of this Council belonged to the valley. For all practical purposes, this Emergency Council was set up, inter alia, to launch an onslaught on the anti-Indian element, quell down the revolt of the people and help the Indian army to flush out the Kashmir Liberation forces and the tribals.

According to the above quoted emergency order Abdullah was appointed as Head of Administration of IHK as a whole, but Hari Singh could only tolerate his holding administration of those areas wherefrom the Liberation forces were pushed out by Indian army in Kashmir valley. In respect of areas under the hold of Indian army in Jammu Province Hari Singh insisted for his prior consultation. This meant that either the said order was a

dictated one issued reluctantly by Hari Singh or that National Conference and Abdullah had no locus standi in Jammu. In this behalf the Agent to the Govt. of India in IHK, sent his report to Sardar Patel, the States Minister of India on 7 November 1947 stating: "His Highness (Hari Singh) personally dislikes Sheikh Sahib's endeavours, to try and maintain authority in Jammu without reference to His Highness, are merely causing friction and tension. No result is obtained as he is not in touch; and to appoint Muslim I.G. of Police would probably mean that he would be murdered or his authority would be defied with the connivance of his own men'... 'I should like clear instructions as to what is meant by the Kashmir Government. I would suggest that where Sheikh Sahib is concerned, he should be mentioned by name; where His Highness is concerned he should be mentioned by name; where the concurrence of both is desired, the phrase 'Kashmir Government' might be used."²

The States Minister of India soon replied this letter on 9 November. He advised the India's Agent in Kashmir to realize the difficult circumstances they were placed and that they had to tread warily. The decision of the Indian Cabinet in respect of settlement of Kashmir's accession by reference to the people was probably still fresh in Patel's mind that he further wrote to his Agent in Kashmir: "We have to be particularly careful until the plebiscite is completed. We have to make sure that our interests are not prejudiced by anything that would produce adverse results in the plebiscite. Once the plebiscite is assured in our favour, we can tackle other matters in such a manner as might be most expedient and desirable. I hope therefore that you will impress this upon Mahajan and His Highness. Our every move at present should be directed to this end and whatever steps we take should be judged in this light."³

It may be noted here that this statement was made by Mr. Patel as the Dy. Prime Minister of India holding States portfolio as well, only 13 days after the letter of conditional acceptance of the so-called Accession was addressed by Mountbatten, the then Governor of India to Maharaja Hari Singh; in which it may be recalled that the accession of the State has been agreed to be accomplished by a reference to the people. The principle of People's Verdict in respect of accession of Kashmir is therefore an unilateral decision of Govt. of India without international intervention or pressure - most probably the outcome of Indian Government's guilty conscience, for the annexation of Kashmir with India was in glaring contradiction of the basic principle of Partition of India viz. 'Composition of Population'. This outward posture also

fitted well with the tall claims of India that it was a democratic country and strongly believed in Social Justice. On the other hand, the conduct of Indian Government with the people of Kashmir, soon became undemocratic and against all tenets of Social Justice.

(2) Anti-Indian Element Crushed and Exiled

Along the Jhelum Valley Road from Pakistan border to Srinagar, the Kashmir Liberation Army and tribesmen had conjointly routed Hari Singh's forces and had made him flee from the capital city of Srinagar. Side by side they had made assaults on microscopic minority of Hindus and Sikhs, looted their houses and shops en-route. Branch offices of National Conference which existed then at few places on J.V.Road were smashed and a handful of National Conference workers were killed by them. On reaching the outskirts of Srinagar there was every apprehension that Hindus and National Conference leaders in the capital city would meet the same fate. But on account of arrival of Indian army, Hindus and National Conference leaders were saved, and they breathed a sigh of relief. Although the Liberation forces and the tribesmen had sufficient valour to face Indian army, they lacked in modern military equipment and air cover. Rudimentary military equipment and sniper fighting mostly with old rifles did not help. Indian army was equipped with modern armaments, artillery and air force planes, whereby they made coordinated assaults on them by land and air and forced them to retreat. They also destroyed their hide-outs in suspected settlements and set many a forest ablaze.

With a purpose to obscure his machinations in annexation of Kashmir with India, Nehru had closed his eyes to the de-facto existence of 65000 strong fighting force of Kashmir Liberation army, who fought alongside 5000 tribesmen with Maharaja's forces. Instead Nehru highlighted the entry of some 5000 tribesmen of Frontier in to Kashmir, and alleged Pakistan of aiding and abetting the tribesmen. Abdullah and his Emergency Council had to toe Nehru's line of action at all costs, for they were all in his leading strings; and had to follow him and attune themselves to his ways and methods - good or bad.

Anarchical rule was a natural phenomenon in the upheaval of 1947 war in Kashmir. This first appeared in the form of Emergency Council in IHK, when semi-illiterate and illiterate Muslim bands of ragtag and ruffians emerged on the scene in Kashmir Valley in the form of Peace Committees and Volunteer Force on the pretext of security. In Hindu populated settlements of Kashmir Valley which came under Indian army control after 27 October that year,

literate Kashmiri Hindus took active part in these Peace Committees and Volunteer Force. Although these bands of ragtag associated with Kashmiri Hindus were few in number, they became a strong force to be reckoned with. They were neither politicians nor political workers nor orators till then. With the tacit support of Indian army, instigation of Kashmiri Hindus working with the Emergency Council, and the overt backing of National Conference leaders, they performed the role of judges and officers of all types, and became the custodians of Law and Order all of a sudden. Money was flown in to their coffers from clandestine sources and corruption. They created a havoc indeed. People in the rural areas were told, "Maharaja has fled and gone for ever. His Government has ended. All Land Revenues and Taxes have ended. Jagirdari System will go. Freedom is won. All outmoded and worn out cogs and nuts of old regime of Maharaja have gone. Awake. Let our enemy know, we are ready to fight. Freedom has danger from Pakistan. Tribesmen are fierce and brutal. They kill people, loot houses and abduct women indiscriminately. Beware, literate Muslims are members of Muslim League. They mislead. Bring disgrace and incur dishonour to all those who preach you to join Pakistan." A severe propaganda was also launched in Urban areas that "India was a very big country and Pakistan very small. By association and friendship with India, trade, commerce and tourism would flourish and Kashmir would soon be flowing with milk and honey." Never did the National Conference leaders or their ragtag bands utter a word about the Liberation forces who formed major component in the battlefield against Dogra forces and Indian army. People with leanings towards Kashmir Liberation Army and/or Pakistan were dumbfounded. A feeling of terror and panic was set in the minds of Muslim majority by these Peace Committees and Volunteer force. History repeated in Kashmir after one century of alien rule. Muslim majority in IHK fell out of frying pan in to the fire. Unique type of extreme dictatorship, which might probably be termed 'Hypocritic Fascism' came in to being in the garb of so-called secularism and democracy.

Abdullah, his Emergency Council and interim Government moved heaven and earth to suppress pro-Pakistani elements. Kashmiri Hindus in particular and ragtag in general rallied round them in this task but they were not immediately provided with any arms to fight against Liberation forces and the tribesmen.

The presence of Indian army was indeed responsible for the safeguard of Hindus in Kashmir. Abdullah's manoeuvre of establishing, peace committees and volunteer force was a means to establish his hold on the people and help

Indian army to the extent that Liberation forces and the tribesmen do not find shelter in the Muslim localities. Anti-Indian Muslims were mercilessly persecuted. Those who could not withstand repression and torture migrated to Pakistan and those who were docile enough to tolerate suppression remained. In Jammu Province convoys of Muslim migrants were openly sent to Pakistan by Abdullah under armed guards. But in Kashmir Province panic stricken microscopic minority of Hindus were well protected by Indian army and National Conference. Had the dogmas of much claimed secularism been applied, Muslims of Jammu could also have been given protection. Instead anti-Indian Muslims were pushed out in a big way to Pakistan under a well planned scheme described ut-infra.

Sheikh Abdullah in his autobiography says that "Maharaja (Hari Singh) and his wife distributed deadly weapons... They dized their hands fully with carnage of Muslims in Udhampur and Reasi... On 4 November 1947 Sardar Patel accompanied by India's Defence Minister Sardar Baldev Singh and Maharaja of Patiala paid a visit to Jammu and had a conversation with Maharaja Hari Singh there. On 5 November wide publicity was given in (Jammu) city by beat of drum that Muslims (desirous of going to Pakistan) should present themselves in Police lines... They were mounted on forty trucks - each truck carrying about sixty persons. On the way, they were dismounted from the trucks near a hill at Samba (a town on Jammu Pathankote road), where machine guns had been fixed. After separating young women, all the remaining (migrants) young, old and children were done away with gunshots."⁴ Abdullah cried halt to such cruel measures. Instead he applied another method, which was indeed hypocritic and deceitful. Under that method Abdullah appeared in the form of a co-religionist and a saviour of Muslims of Jammu. Alarm, that extremist Hindus would annihilate them, had already been set in. Abdullah offered them free and safe transport to travel to Pakistan border. On 9 November 1947 he started sending convoys of Muslim refugees from the State to the borders of Pakistan under armed guard. Pro-Pakistan and/or anti-Indian Muslims who had been persecuted and tethered became fugitives in a big way and a stream of out-migration of Muslims came in to being in a very short time under this crafty scheme.

With a hope that Kashmir Valley was heavily populated by Muslims and was least susceptible to communal hatred, hundreds of uprooted Muslims of Hindu dominated settlements of Riasi, Ramban, Batote and other areas of Jammu Province around crossed Chinab river and travelled along hazardous precipices of Pirpanchal range of Himalayas and crossed over to Narwaw in Kashmir valley at Arnas and

Budhal. On their arrival at Narwaw their condition was pathetic. Their kith and kin had been killed, womenfolk abducted, properties looted and houses destroyed. As far as possible the local population of Narwaw helped them and provided them food and clothing. But these refugees were not officially recognised. They were not provided with any shelter and camp facilities by Abdullah's administration. They were not permitted to move outside Narwaw. They were kept under strict surveillance. Abdullah's volunteers tethered them up to the hilt. They were dubbed as Pakistani agents, fifth column, hirelings and confidants of tribesmen. Ragtag of National Conference would shout: "Turn them out. Send them back." Some of these refugees died of pneumonia and typhoid in chill cold winter season.

Abdullah's administration was averse to the migration of Muslims from Jammu Province to Kashmir Valley. Outwardly National conference leaders would justify discouragement of migration of this sort as it would carry with it the venom of communal hatred from Jammu to Kashmir Valley. This argument could be considered, to some extent, plausible. In that case the responsibility on the administration was to create one or more security zones in selected areas or rehabilitate all affected Muslims in Jammu itself and provide the uprooted people safety of life, honour and property at their original places of residence rather than dub them as Pakistani agents, fifth column, hirelings, confidants of tribesmen etc. The fact, obviously gets established that inter-provincial migration of Muslims within the IHK did not fit well with the scheme of pushing the Muslims out of the State to Pakistan. So these refugees had to be dealt in that cruel way and inter-provincial migration of Muslims discouraged abinitio.

Repression in its worst form introduced in the year 1947 by Hari Singh's Government and rejuvenated by Abdullah's Government in a different form continued in all its severity. In January 1949, cease-fire between India and Pakistan came in to effect. Repression gave momentum to the out-migration of Muslims. "The public spirited sons of the soil were turned out...in a most inhuman way... These included judges, administrators and religious leaders."⁵ Sheikh Abdullah, who was at the helm of affairs in IHK at that time later wrote in his autobiography: "Those Muslims who were left over in Jammu (after October 1947), they all wanted to go to Sialkote (Pakistan). We loaded them in lorries and sent them across Suchet Gadh (a village on Pakistan Kashmir border). Among Muslims of Jammu only a few households remained who were not uprooted from their places."⁶ Abdullah also had

parleys with Chaudri Gulam Abbas, the top most leader of Muslim Conference in Jammu jail. He was released on 28 February 1948 and sent to Pakistan. Other prominent leaders and thousands of political workers, who had been kept in jails and detention camps by Hari Singh's Government were pushed out to Pakistan. "It was estimated at the end of the year 1948 that no less than (300,000) three hundred thousand people had been uprooted and had left the country (Kashmir)."⁷ This huge exodus of Muslim population was unprecedented in the annals of Kashmir and reflected the motive of Indian leaders that lay behind such action. Many objectives of Indian Government and sheikh Abdullah were achieved under this policy. These included: (a) Major component of Muslim opposition to Sheikh Abdullah and his political party - National Conference was depleted; (b) Brave and non-submissive anti-Indian element in IHK was reduced; (c) Shelters of sniper forces of Kashmir Liberation Army and tribals were shattered in IHK; (d) Revolt of the populace against alien rule was suppressed; (e) Pro-Indian/Anti-Pakistan element consisting of Hindus and National Conference workers received protection and encouragement; (f) Abdullah could force formation of Interim Government in IHK under his premiership sooner than would normally materialize. M.C.Mahajan was called back by Indian Government on 2 March 1948; and (g) Exodus of Muslim leaders, administrators and valiant people gave a serious set back to the morale of Muslims in IHK and the liberation movement was dampened there in consequence.

Other side of such ventures of puppet Government of IHK can not, it is admitted, be entirely encompassed. However, as it happened, these very migrants strengthened the Azad Kashmir Government and established their nuclei in Pakistan and various parts of the world. After breathing in the free world for some time, these very migrants of Kashmir and/or their progeny may most probably one time become a force to be reckoned with, for they have a strong case in the free world. The guilty, in the long run shall bear the consequences for having forced so large a number of Muslims to leave their home land. Kashmir had not been partitioned on religious basis the way provinces of Punjab and Bengal of undivided India had been partitioned. Therefore there was no justification of pushing out the Muslims of IHK in so large a number. It may be pointed out here that on one side Govt. of India had provided for the option of plebiscite to the people of Kashmir, on the other side Nehru's tall claims of secularism and democracy were exposed by such barbarous measures before the Muslim majority of Kashmir at the very inception of Indian rule in IHK.

The conduct of administration that started with the inception of Indian rule under Sheikh Abdullah in IHK was reported by the Indian installed Prime Minister of Hari Singh's government - Mr. Mahajan, to Patel on 24 December 1947 in the following words:

- "(a) Large number of officers and men are in custody without charges and trial.
- (b) Corruption in National Conference is rampant in selling transport and giving trade concessions.
- (c) Gazetted and non-gazetted officers are made to obey orders of volunteers on threats of dismissal or arrest."

Mahajan was so much disappointed on what was happening in Kashmir that he further wrote to Patel: "On hearing from you I will send you some instances on complete misrule and maladministration on fascist lines. I am in a most embarrassing position. I wish you could somehow get me out."

Mahajan's complaint against Sheikh Abdullah's misrule at this juncture must have either been a cry in the wilderness or disliked by Indian leaders; for the fascist rule, heavy hand and corruption were the main tools which could curb Pro-Pakistani/Anti-Indian elements in IHK in the initial stages. This was understandable. But the way Nehru tried to impress upon the outside world that democracy dawned in Kashmir under Sheikh Abdullah, was indeed a reflection of the standard of Indian leadership.

Nehru, however, kept harping on his political stunt that it were only the people of Kashmir who possessed the right of self-determination and that Pakistan should stop aiding and abetting the tribesmen and they should be withdrawn. Nehru actually meant that Pakistan should not aid and abet the Kashmir Liberation Movement. But if he would say so, it would mean that Indian Government was against the principle of self-determination, to which she was committed before the people of Kashmir, Indian Parliament and the international community. It might be recalled here that in his public address on 11 or 12 November 1947, Nehru declared before the people of Kashmir at Srinagar: "that after the raiders had been thrown out and peace had been re-established, the people of Jammu and Kashmir will be given an opportunity to decide their future."¹⁰ He reiterated the stand of Plebiscite under international auspices on many an occasion in his letters, in public meetings, in Indian Parliament etc. consistently for 7 long years from 1947 to 1954.

(3) State Army Merged with Indian Army

While in Jail Sheikh Abdullah had apologized to Maharaja Hari Singh on 26 September 1947 and accepted to remain loyal and most obedient subject to him. The two, however, could not reconcile with each other, even after Abdullah was placed at the helm of affairs as Emergency Administrator in IHK. Their rift was taken advantage of by the Indian Government. While the war in Kashmir between the Indian army on one side and the Liberation forces and tribesmen on the other, was going on in various parts of Kashmir, there came up before the IHK Government the issue of appointment of quota for Muslim community and re-organisation of State's Army. Mr. Gopalaswamy Ayyangar, Minister without Portfolio in Nehru's Cabinet wrote to Hari Singh on 24 December 1947: "that there was no need to fix proportions for the recruitment of the different communities in to the Army"... 'I agree and I am in a position to assure you that Sheikh Abdullah agrees, that for some time to come and until things have completely settled down and normal life has been in full swing for a considerable period, we should hardly think of recruiting any large number of Muslims from Jammu Province (including the Poonch area) which had contributed the largest number to the rebel ranks in the present disturbances. The population of these areas have first to be won over and their loyalty to the State proved beyond cavil before recruitment to the Army from their ranks can be safely allowed to take place.'"11

Digressing a little from the main topic, this letter speaks of many things such as:

(a) Muslims of Jammu Province were not loyal and had to be won over. This obviously meant that the domination of Hindu rule and that of the stooge Government of Abdullah was not acceptable to them at any cost.

(b) Muslims of Jammu Province, in the words of Ayyangar, had 'contributed the largest number to the tribal ranks in the present disturbances (1947 Rebellion). This is the admission of the fact by India that rebellion existed and the Kashmir Liberation Army, whom they called the rebels were fighting against Indian army at that time in Kashmir. In order to hoodwink the world, Indian Government instead launched a heavy propaganda and pleaded at the Security Council that Kashmir had been susceptible to raid from Pakistan and her forces had been sent only to flush out raiders from there. Tribesmen who fought alongside with Liberation Army constituted only a fraction of the total force that was engaged in the war with India in Kashmir. The real intention of Indian leaders was indeed to flush out Muslim valiant forces of Kashmir Liberation Army and annex Kashmir with India.

(c) Gopalaswamy Ayyangar, while he was the Prime Minister

of Hari Singh's Government in 1940s in Kashmir, had sent large number of Muslim recruits of Jammu Province as aid to the British Government for fighting in World War II. At the expiry of that war these soldiers had been disbanded and they had returned. In 1947, these very soldiers formed a major component of Liberation Army that rose in rebellion against Hari Singh's Government and were later engaged in fighting against Indian army. Therefore Gopalaswamy Ayyangar and Indian Government would not venture to repeat recruitment of the Muslims of the State in the army in any big way.

So the scheme of fixing the quota for Muslims of Kashmir and recruitment of Muslims of Jammu in the State army was nipped in the bud by the Indian Government. At Hari Singh's request, however, Col. Kashmir Singh Katoch's reversal to Indian army was permitted to remain in abeyance, for the former 'required his services for re-organisation of the State Army.' The story of posting of Lt. Col. Katoch in the State army in October 1947 has already been described in the chapter titled as "Action Plans for Annexation of Kashmir."

In January 1948 Hari Singh and National Conference leaders must have been upset; for the Govt. of India had offered to the Security Council that the accession of the State should be decided by impartial plebiscite under the auspices of United Nations Organisation. In his letter dated 25 January 1948, Hari Singh wrote to Patel: "It should not be forgotten that the matter of accession is either for me, or, according to the view of Govt. of India for me and my people. It is not a matter either for the Govt. of India or for the Pakistan Government's decision."¹² He lamented for having been ignored in the matter, probably because Nehru had included Sheikh Abdullah in the delegation that was sent by India to the United Nations under the leadership of Gopalaswamy Ayyangar. Bonafides of Sheikh Abdullah as Head of the Emergency Administration in IHK were, however, questioned by Pakistani delegation at the Security Council; for M.C. Mahajan too was working simultaneously as the head of the administration in IHK. The leader of the Pakistani delegation at the Security Council addressed Abdullah as the 'Puppet in the hands of Jawaharlal Nehru.'¹³ This in fact necessitated quick reversal of Mahajan to Indian Judiciary from which he had been picked up and posted as Prime Minister to Hari Singh's Government in Kashmir on 15 October 1947 with a special assignment to bring about annexation of Kashmir with India. (For details peruse chapter on 'Action Plans for Annexation of Kashmir')

On 31 January 1948 Hari Singh sent another letter to

Patel from Jammu, in which he expressed his opinion in respect of (a) Military situation in Mirpur District (b) Kashmir issue at the Security Council and (c) Administration in IHK. These points are described as ut-infra: As to the point (a), Hari Singh expressed much anxiety on the depressing military situation in Poonch and many an area of Mirpur District, where Indian troops had suffered reverses. These included Mangla, Alibag, Gurdwara, towns of Mirpur and Bhimber, and villages of Deva and Batalla. To fight the war effectively Hari Singh offered himself to take over the command of what he called 'his own forces', along with the forces of Indian army.

Regarding Kashmir issue at the Security Council, he wrote: "the proceedings that are hanging fire there, are causing great uncertainty and perplexity not only to me but to every Hindu and Sikh in the State as well as to those, who belong to the National Conference. The feeling is strongly gaining ground that the U.N. Security Council will take an adverse decision and the State will eventually have to accede to Pakistan as a result of what the Security Council will decide."¹⁴ Perturbed by the trend of the Security Council proceedings, he gave vent to his feelings and wrote: "Some times I feel that I should withdraw the accession that I have made to the Indian Union. The Union only provisionally accepted the accession and if the Union can not recover back our territory and is going eventually to agree to the decision of the Security Council which may result to handing us over to Pakistan, then there is no point in sticking to the accession of the State to the Indian Union."¹⁵

As to the future administration in IHK, Hari Singh wrote: "I am prepared to be a Constitutional Ruler of the State and when a new constitution is framed I am quite willing to give responsible Government, but I am not prepared to go beyond Mysore Model because I am not satisfied that the leaders of National Conference are for the time being very fit administrators or command the confidence of the Hindus and Sikhs and even a large section of Muslims. I must, therefore, keep certain reserved powers of which you are already aware and I must have a Dewan of my free choice as a Member of the Cabinet and possibly as its President."¹⁶

This long letter of Hari Singh was replied briefly by Patel on 9 February 1948, assuring Hari Singh that Patel too was no less anxious about the Kashmir situation and what was happening in the United Nations. Patel remained silent on other issues which Hari Singh had raised in his letter. The cat's-paw of Pt. Nehru, Sheikh Abdullah had to be groomed as Prime Minister of IHK at all costs - no

matter that he had no capability and no following of the people in IHK. That was the need of the hour for India. Developments in the international forum demanded that action. Abdullah had, inter alia, to perform an urgent task which he himself revealed later in August 1948 in a discussion with Hari Singh in these words: "I have got to turn the minds of Muslims of the State from Pakistan."¹⁷

Crest fallen Hari Singh's line of thought must have been taken serious note of by Govt. of India; for he wanted to withdraw the accession, become the Commander-in-Chief of the combined armed forces of the State and Indian Union in Kashmir, and build Mysore Model of government in Kashmir with the Dewan of his choice etc. Government of India soon called back Mr. Mahajan on 2 March, 1948 and a process for setting up an Interim Government in IHK was set in. Emergency Council in IHK was abolished simultaneously and an interim government moulded under the unwilling signatures of Hari Singh. Proclamation on formation of interim government headed by Sheikh Abdullah was issued by Hari Singh on 5 March 1948. Besides Abdullah the Council of Ministers consisted of Bakshi Gulam Mohmad, Mirza Afzal Beg, Ghulam Mohmad Sadiq, Sardar Budh Singh, Shyam Lal Saraf, Girdari Lal Dogra, Col. Pir Mohmad Khan and Col. Baldev Singh Pathania. Besides Saraf another Kashmiri Hindu, Durga Prasad Dhar was also taken in this Cabinet as Deputy Home Minister. Later he was given the department of Planning as well. As Deputy Home Minister he was in a formidable position to attune Abdullah and his government to act in accordance with the wishes of Govt. of India. He was a frequent visitor to New Delhi and "he became one of the key figures in the drama that was about to unfold... He played a significant role in keeping New Delhi informed about the inner conflicts within the National Conference."¹⁸ This sort of format of the Cabinet reflected that Abdullah was buttressed by four Muslim and four non-Muslim Ministers in a Muslim majority State. Hindu Ministers were pro-Indian per-se and no fissiparous tendency against alien rule of India could be expected on their part. Among Muslim members some were ambitious and aspirant that they would go to any extent in bringing the Muslim majority of IHK under colonial yoke. This format of Abdullah's Cabinet was therefore so designed as to obviate the possibility of any fissiparous tendency against India as also to accelerate strengthening of the ties with India by all possible means including corruption and repression of anti-Indian Muslims of IHK.

Pakistani element was ruthlessly dealt with in IHK. "I can not allow any one to support Pakistan. I shall uproot them who speak in praise of Pakistan. Those who are for

Pakistan have no place in Kashmir, they should go to Pakistan. I can not hear the name of Pakistan." These and such were the fulminations Abdullah and his colleagues thundered from time to time. For being suspected of leanings towards Pakistan people were arrested in thousands not like citizens and political opponents whose honest opinions were different from those of the men in power, not even like ordinary human beings but as pariah dogs; prisoner's hands were frequently tied with ropes behind their backs and they were dragged like animals through the main bazaars of Srinagar and other towns in the Valley. All the requisites of law such as issue of warrants were dispensed with... In this blind general round up, the members of all political parties excepting the National Conference were consigned to prison. The main target were the members of the three organisations, the Kisan Mazdoor Conference, the Socialist Party and the Muslim Conference, which had openly committed themselves to the view that the accession issue should be decided through the method of a free plebiscite."¹⁹

Relationship between Hari Singh and Sheikh Abdullah continued to remain tense and antagonistic as before. Despite Hari Singh's contention that he was not satisfied with an opinion that the leaders of National Conference were fit administrators or that they commanded confidence of the people; he had to agree to the appointment of Sheikh Abdullah as the Prime Minister of the Interim Government and also declare by proclamation on 5 March 1948, that it was a popular government. It was simply because Sheikh Abdullah's appointment and formation of the interim government was in accordance with the desires of the Indian Government. Hari Singh, however, succeeded in making a provision of a Dewan of his choice as a member of the cabinet. Dewan was, however, never appointed.

On assuming his charge as Prime Minister of the Interim Government in IHK, Sheikh Abdullah, instead of reconciling with Hari Singh, became more vehement than before in exposing him in the public and launched a strong propaganda against him. There were several causes of conflict between the two and their roots lay mainly in (a) Reluctance on the part of Hari Singh to appoint Abdullah as his Prime Minister, (b) Fear in Hari Singh that Abdullah might finally throw him out, (c) Inherent weakness in Hari Singh that he was not a bonafide ruler of Kashmir, and (d) Abdullah was in those days very close to Mr. Nehru and enjoyed his support in strengthening Indian hold over IHK.

Issue of State forces came up as a result of genocide of

Muslims. When Hari Singh's Dogra army was defeated by the Liberation forces and tribesmen on various fronts, Hari Singh had fled from the capital city of Srinagar to his native place. The defeated Dogra army had joined hands in eliminating Muslims from the areas dominated by Dogra Hindus in Jammu. Since Hari Singh continued to remain the Commander-in-Chief of State forces, Abdullah insisted that the administrative control of State forces should be transferred to him. In a discussion with Hari Singh on 5 August 1948, Abdullah and his Dy. Prime Minister produced before Hari Singh a long list of the rape, loot and atrocities alleged to have been committed by State troops. Abdullah told him: "There can be no reserved and non-reserved subjects. Every thing must be in my hands."²⁰ Hari Singh suggested that such matters could be referred to the States Minister to Govt. of India (Sardar Patel). Abdullah retorted by saying: "If the States Ministry wants me to drown myself in the Dal (Lake), I for one am not going to do so. I will resign and tell the people that I have done so because I have been hampered both here and in Delhi and they can go to Pakistan or the Indian Dominion as they like."²¹

Abdullah, however, failed to convince Hari Singh; and when the issue of transfer of administrative control of the State forces in the hands of the Prime minister was not accepted by Hari Singh, Abdullah put up a memo in August 1948 to Hari Singh suggesting the transfer of State forces to Govt. of India instead. Hari Singh returned that note to Abdullah with a directive that he should reconsider his opinion after giving earnest consideration to the following:

"Firstly in case the administrative control of the State Army is transferred to the Union Government as suggested by you, the Pakistan propagandists will make capital out of it and make a plausible case that the State has been completely annexed to Indian Union by taking over complete Military control. Such an impression should not be permitted to be created; (and), secondly the Pakistan's suggestion that at the time of Plebiscite, the Forces of Indian Union be sent away may, to some extent, be forced on us. In case the administrative control of the State Forces is handed over, it will be difficult for us to make out a case for the retention of the State Forces because administratively there will be no distinction between the two."²²

The tussle, however, continued. Further fuel was added to the fire when Abdullah's interim Government decided to stop all the salaries and allowances of the State troops with effect from 16 August 1948. Hari Singh was called to

Delhi. He wrote: "I was invited by Sardar Patel to come to Delhi for discussions. After a long discussion, contrary to the wishes of Sheikh Abdullah, it was decided that the control of the State Forces be handed over to the Indian Army for the time being. I would continue to be commander-in-chief."²³ Probably Hari Singh meant that continuation of his remaining the Commander-in-Chief of State forces was disliked by Abdullah. However, by virtue of this decision of the States Minister of Govt. of India, continuation of Hari Singh as Commander-in-Chief of State Forces carried much less substance when the control of the State Forces was handed over to the Indian Army; though this arrangement was stated to be only for the time being. If by such a decision of Govt. of India, Hari Singh thought Abdullah had lost and he had won the issue, he was in a fallacious happiness. At that given point of time, Indian hold on Kashmir was in a precarious position. Commitments of India in respect of Kashmir were very fresh in the minds of world communities and the United Nations. U.N. Resolution of 21 April 1948, inter alia had recommended at Sec:6 that Govt. of India reduce her forces progressively from the State to the minimum strength required for the support of civil power in the maintenance of law and order. U.N. Commission on Kashmir had arrived in the sub-continent in July that year. Part I Sec.(B) of the U.N.C.I.P. resolution of 13 August 1948 had specified that "The High Commands of the Indian and Pakistani forces agree to refrain from taking any measures that might augment the military potential of the forces under their control in the State of Jammu and Kashmir." Further Part II Sec. B(1) of this resolution also bound India to withdraw bulk of its forces from the State in stages. Besides other considerations it is in this context that Govt. of India must have deemed it necessary to have Hari Singh as Commander-in-Chief of the State forces, so that, if need be, his position could be utilized for achieving the ultimate objectives in Kashmir. As the time passed and the pressure from the United Nations on India started dwindling, "it was after some years later that the merger (of State Army) with Indian army took place."²⁴

Hari Singh Exiled For Ever

Within seven months of his premiership, Abdullah appeared to have started feeling that he had not been able to achieve the political objective that he had envisaged. Freedom from the slavery of alien rule and vengeance of the Dogra dynasty must have been lurking in his mind. Soon after Govt. of India decided to take over control of State forces and continue Hari Singh as their Commander-in-Chief, Abdullah came out vehemently and expressed his

anger on 7 October 1948, in a long letter to Patel. Inter alia, he wrote: "...the Jammu and Kashmir Army has virtually been a close preserve of a very small coterie of the favourites of the ruling family, namely, the Hindu Rajputs. All other classes and communities of people inhabiting the country have been eliminated for this purpose... I had urged a complete transfer of the Army administration to a popular Minister of my cabinet... To my regret that was not agreed to and it was only a compromise that I accepted the transfer of my State forces to the Govt. of India on the condition that the forces will be soon re-organised on a broader and more liberal basis..."²⁵

Further Abdullah reproduced the same portion of his note which he had sent to Govt. of India on 1 June that year. It consisted of the allegations on Hari Singh, high ranking Hindu officials, Dogra military, Hari Singh's trusted relations and his Ex-Prime Minister (Mahajan) and Ex-Deputy Prime Minister (Batra) for their participation in the massacre of Muslims in Jammu on a vast scale. In this letter Abdullah praised himself and National Conference workers for protecting the life and honour of the microscopic minority (Kashmiri Hindus) in Kashmir Valley. Finally he suggested to Govt. of India that "the only alternative is that His Highness should abdicate in favour of his son and that there should be no reservations whatsoever in the administration of various subjects under the Ministers."²⁶ It may be noted here that Hari Singh's son Karan Singh was only 18 years of age then. If Abdullah thought that by such a change he could goad the young ruler and hold the supreme authority in IHK in his own hands he lived in error manifest. If on the other hand he thought that Dogra rule would end and he would wield control over IHK free of encumbrances still it was his miscalculation.

Patel in his reply, however, inter alia, wrote to Abdullah that since both Govt. of India and Abdullah owed their existence in Kashmir to Hari Singh, he should not speak in such terms against Hari Singh. Patel also drew Abdullah's attention to the letter of apology he had sent to Hari Singh while in jail, in which Abdullah had undertaken to remain loyal to Hari Singh. He was therefore advised to refrain from his persistent harping on the past acts of Dogra rule in Kashmir.

In the last week of December 1948, Governments of India and Pakistan finally agreed that the question of accession of the State of Jammu and Kashmir to India or Pakistan will be decided through a democratic method of a free and impartial plebiscite; and that cease-fire and

truce arrangements will be made in accordance with parts I and II of the UNCIP resolutions of 13 August 1948, and a Plebiscite administrator will be appointed etc. Cease-fire was therefore ordered by both sides at midnight of 1st January 1949. The famous UNCIP resolution on the settlement of Kashmir issue by free and impartial plebiscite was adopted on 5 January 1949 and accepted by both India and Pakistan. Govt. of India, Hari Singh and Sheikh Abdullah could easily envisage the implications of holding free and fair plebiscite in Kashmir. If the millions of voiceless subjects of Kashmir were given that right, there were obviously least chances for Abdullah and Hari Singh to have the supreme authority in the State. A different situation would in that case emerge. Therefore Abdullah started wavering. Abdullah thought he could gain some popularity by abolition of Hari Singh. He could assert before the Muslim majority of the State that their long cherished demand of getting rid of the illegitimate Dogra rule was achieved, and democracy established. That way he would either prove faithful to India and in his words "turn the minds of Muslims of the State from Pakistan to Indian Union" or try for Independent Kashmir. In an interview with Michael Davidson, published in the Scotsman on 14 April 1949, Abdullah is reported to have said: "Accession to either side can not bring peace. We want to live in friendship with both Dominions. Perhaps a middle path between them, with economic co-operation with each, will be only way of doing it. But an independent Kashmir must be guaranteed not only by India and Pakistan but also by Britain, the United States and other members of the United Nations..."

Dr. Karan Singh, the only son of Hari Singh wrote: "In February 1949 the situation had become quite impossible and a total deadlock reached... Soon thereafter my father (Hari Singh) received an invitation from Sardar Patel suggesting that he, my mother and I (Karan Singh) should visit Delhi for consultation. We left in April in a chartered D.C-3. Little did we realize as we boarded the plane that my father's ashes would ever return to his beloved Jammu... On 29 April we had a meal with the Sardar also, at which his daughter Maniben and his private Secretary V.Shankar were present. After Dinner my parents and the Sardar went in to another room, and it was there that the blow fell. The Sardar told my father gently but firmly that although Sheikh Abdullah was pressing for his abdication, the Govt. of India felt that it would be sufficient if he and my mother absented themselves from the State for a few months. This, he said was in the national interest in view of the complications arising from the plebiscite proposal then being actively pursued in the United Nations. I(Karan Singh) should be

appointed Regent by my father to carry out his duties and responsibilities during his absence. My father was stunned..²⁷

After having consultations with the people blended with legal acumen, Hari Singh succumbed to the dictates of Patel and wrote a long letter to him on 6 May 1949, some relevant extracts whereof are given as under:

"I should like to say at the outset that I was completely taken aback by this proposal but coming as it did from you, in whom I have since the very beginning placed implicit trust and confidence and whose advice I have throughout followed on the many questions affecting me personally and my State both in the present and the future. I have been able somehow to adjust myself to it. I would not, however, be human if I did not express my sense of keen disappointment and bewilderment of having been called upon to make such a sacrifice of prestige, honour and position when all along I have been content to follow, some times even against my own judgement and conscience, the advice in regard to the constitutional position in the State, which I have been receiving from the Prime Minister of India or yourself, some times even against arrangements which were agreed to only a few months before..."²⁸ Further Hari Singh alleged Govt. of India, that Sheikh Abdullah had been allowed to "indulge openly along with his colleagues in a campaign of vilification and foul calumny against him."²⁹ However, he went on to say, "I might be prepared to fall in with your wishes and to absent myself from the State for a period of three or four months in consideration of the fact as emphasized by you, namely, complications created by the reference to the U.N.O. and the plebiscite issue."³⁰ For such a temporary absence from the State, Hari Singh wanted the assurances of Sardar Patel in respect of the following points:

- (a) 'That the step is not a prelude to any idea of abdication.'
- (b) 'Sheikh Abdullah and his followers should be clearly told to stop the campaign of vilification against me and to abandon all activities, both on his part and that of his followers, aimed at securing my abdication.'
- (c) 'Protection of myself and my adherents against any victimization.'
- (d) 'Absence from the State should not affect my (Hari Singh's) dignity and position. Govt. of India should find a suitable position for me in Delhi where my services may be utilized in a fitting manner during the said period.'
- (e) 'It is a matter of paramount necessity that Her Highness should remain with the Yuvraj (Karan Singh) in

the State during the period of my absence (for) he is young and impressionable.'

(f) 'My Private Estates, Houses, and other property should be protected against the aggressive acts of Sheikh Abdullah's party.'

(g) 'No change should be made without my consent in the present arrangements regarding the State forces or the constitutional position, prerogatives etc. of the Ruler as now subsisting.'

(h) I should be entitled during my stay in India to suitable strength of military guards wherever I stay.'

(i) Yuvraj (Karan Singh's) safety and protection should be the concern of the Indian Dominion. State and Indian Military should guard his person.'

(j) Outstanding matters concerning the State Military and Civil Lists, Hazur Departments etc. should be decided with me immediately.'

Finally Hari Singh wrote to Patel that he would take decision on getting his assurances on the points stated as above.

From this letter it is abundantly clear that Hari Singh sought from Govt. of India, protection of himself and his adherents against victimization and vilification. He sought protection of his estates, houses and other property and requested for his son's safety and protection. He even suggested that he should be employed in Delhi on a suitable position during the period of his absence from the State, and be kept under proper military guard. What more evidence should there be needed to prove that the Dogra rule in the State was illegitimate per-se; that Hari Singh, after having lost the fraudulent Treaty Rights upon Kashmir on 15 August 1947, retained the power in his hands suo-moto with the help of Dogra army behind his back. When his army was routed by the Liberation forces and the tribesmen, Hari Singh's rule was temporarily buttressed by Govt. of India purely with an ulterior motive of annexing Kashmir with India. But Govt. of India, knowing full well that bonafides of Hari Singh as head of Jammu and Kashmir were very poor and that the free world would raise objections to annexing the State with India on the basis of accession of this persona-non-grata, made his accession susceptible to the wishes of the people of the State. Had the State of Jammu and Kashmir been an organised political entity with its government recognised by the people, the question of Hari Singh's absence from the State or abdication would not have risen at all, and he would not have been reduced to such a pathetic and miserable condition.

One more point needs elucidation. This letter indicates that Hari Singh was tethered by Sheikh Abdullah and his

followers. They wanted him to abdicate. India held that Sheikh Abdullah was a popular leader. If Abdullah had the popularity and wanted abdication of Hari Singh; in that case too Hari Singh was a persona-non-grata and had unduly played with the fate of millions of majority community in annexing the State with India for his own safety. Such an action on his part constituted glaring violation of all the norms of democracy and Human Rights. Had Hari Singh been a bonafide ruler of the State, people would have risen against the followers of Abdullah and rallied round him; and the questions of his victimization, vilification, absence from the State, safety and abdication would not have obviously arisen at all.

Actually the acceptance of UNCIP resolution of 5 January 1949, binding India and Pakistan to decide the question of accession of Kashmir by a free and impartial plebiscite must have set in a tremour in the minds of Indian leaders and Sheikh Abdullah. From his experience as head of the administration in IHK, Abdullah had learnt that any measures of coercion, repression and/or corruption would not help win over the Muslim majority in favour of India in case a free and impartial plebiscite was held in Kashmir. Complications arising from the plebiscite proposals of the United Nations for Indian leaders and Sheikh Abdullah were therefore implicit. Otherwise also there must have been other strong variables in the equation of termination of one century old illegitimate Dogra rule in Kashmir. Had it not been so, Govt. of India would under no circumstances force Hari Singh to go away. But in doing so Indian Government was hesitant to replace Hindu Dogra ruler Hari Singh by an undependable Muslim - Sheikh Abdullah. Till the end of 1948 Abdullah vehemently endorsed the provisional accession with India. But soon the plebiscite became an accepted principle for settlement of this issue, he understood that Muslim majority would not vote for India and his void claims of Muslim support for accession with India would be exposed. In plebiscite, his career was at stake. He therefore started giving feelers in interviews with foreign press in favour of Independent Kashmir. This was taken serious note of by Indian leaders and condemned by Gopalaswamy Ayyangar in his letter of 1 May 1949 addressed to Patel. In the eyes of Indian leaders Abdullah thus became a person of doubtful integrity. Abdication of Hari Singh in favour of his 18 year old son in the first stage was therefore deemed feasible, so that the young ruler could remain under the patronage and control of Govt. of India and further activities of Abdullah could be watched closely. Abdullah had also much interest in abdication of Hari Singh, for the two were at daggers drawn. By such a measure Abdullah thought that the young ruler Karan Singh

would be comparatively manageable and he would be in a position to enjoy full powers in administration of IHK. Although Abdullah might have assured Indian leaders that by Hari Singh's abdication he would be able to win over the Muslim majority of Kashmir and tilt the balance in favour of India if a plebiscite was held. Nevertheless abdication of Hari Singh was in fact an important step forward in the direction of implementation of plans of annexation of Kashmir with India.

However, Sardar Patel in his reply to Hari Singh on 23 May 1949, thanked him for having reconciled with his proposal of absenting himself from the State, and assured him that adequate measures would be taken to protect his life, honour and properties. As to the apprehension of Hari Singh that his absence from the State might be a prelude to his abdication, Patel categorically declared in his letter: "Question of your Highness's abdication does not arise." But Patel simultaneously advised him not to state the period of his absence from the State; which prima facie meant that Govt. of India did not bind herself to call him back after any specific period of time, to resume his duty. Hari Singh's request for keeping his wife in accompaniment of his son in IHK was not agreed to. Further Govt. of India remained silent on Hari Singh's suggestion that a suitable position be found for him in Delhi where his services might be utilized during his period of absence from the State. Other demands of his protection of properties, keeping of armed guards, continuation of allowances and other favours were mutatis mutandis agreed to. Patel also assured him of having full responsibility for his son's safety and protection.

Upon this firm assurance that his absence would be only for a few months and that his temporary absence from the State was not a prelude to his abdication, Hari Singh issued proclamation on 20 June 1949, which reads as:

"Whereas I have decided for reasons of health to leave the State for a temporary period and to entrust to the Yuvraj Shri Karan Singhji Bahadur for that period all my powers and functions in regard to the Government of the State.

Now, therefore, I hereby direct and declare that all powers and functions whether legislative, executive or judicial which are exercisable by me in relation to the State and its Government, including in particular my right and prerogative of making laws, of issuing proclamations, orders and ordinances, of remitting, commuting or reducing sentences and of pardoning offenders, shall

during the period of my absence from the State be exercisable by the Yuvraj Shree Karan Singhji Bahadur.

Thus were Hari Singh and his wife pushed out of the State. It may be astonishing that the apprehension of Hari Singh came out to be true and his temporary absence from the State proved to be a prelude to his abdication and life long exile. He was not even permitted to return to his native town - Jammu, not to speak of the State. His son Dr.Karan Singh later wrote: "My father (Hari Singh) kept insisting on his rights and the solemn commitments given to him from time to time, while the Minister for States (Govt. of India) ...kept reiterating the changed political condition in the State and the broad compulsions of internal politics..."³¹

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Constitutional Manoeuvre that was named
ARTICLE 370 IN INDIAN CONSTITUTION

Proclamation made by the executive head of Indian Union on 26 January 1950 reads as:

"WHEREAS, the people of India, having Solemnly, resolved, to constitute India in to a Sovereign Democratic Republic, adopted, enacted and gave themselves on the twenty-sixth day of November 1949, in their Constituent Assembly the Constitution of India;

AND WHEREAS, it has been declared by the said Constitution that India, that is, Bharat, shall be a Union of States comprising within the Union the territories which were hitherto the Governor's Provinces, the Union States and the Chief Commissioner's Provinces;

AND WHEREAS this, the twenty-sixth day of January 1950, has been fixed for the commencement of the said Constitution;

NOW, THEREFORE, it is hereby proclaimed that on and from this, the twenty-sixth day of January, 1950, India, that is Bharat, shall be a Sovereign Democratic Republic, and the Union and its component units, the States, shall exercise all powers and functions of government and administration in accordance with the provisions of the said Constitution."

The text of the Indian Constitution indicates that Bharat is a territorial Country. Under Article 1 of this Constitution, Bharat is specifically a Union of States, territories whereof have been specified in Parts A, B, C and D of the First Schedule. Part A States consisted of territories of former Indian provinces, which lay under the sovereignty of the British Crown before India became independent. The territories of Indian States, which previously lay under the suzerainty or paramountcy of the British Crown were shown under part 'B' States. These included some disputed States as well. Some States had not acceded to the Dominion of India or Dominion of Pakistan by the date British paramountcy lapsed (i.e. 15 August 1947). By virtue of that fact those disputed States had become independent and their princes had lost their locus-standi. Kashmir, at that time, was internationally recognized disputed State. The territory of this disputed State too was bracketed with part 'B' States in the first schedule of Indian Constitution. To hoodwink the world, however, provisions with respect to this State were specified as temporary, as if Indian commitments of holding an impartial plebiscite under U.N.O. in this

State remained unchanged.

There was also one disputed State namely Junagadh which had acceded to Pakistan by the above said fixed date. That too was included in Indian Constitution. Inclusion of such disputed States in the Indian Union of States therefore remained questionable. Part 'C' States included the territories of three number Chief Commissioner's Provinces and seven number relatively smaller Indian States. The territories of part 'D' of the First Schedule comprised of the islands of Andaman and Nicobar.

"In the Indian Constitution Act of 1935, legislative powers were enumerated in three lists: Federal, Provincial and Concurrent: and the residue was given to the Governor General to be assigned by him either to the Central Government or to the Provinces. The adoption of these Lists and the leaving of the residuary power to the Governor General were necessitated by the political conditions of India: the difference of opinion before 1935 between the Hindus and the Muslims, the former favouring a Strong Centre while the latter favoured Strong Provinces..."¹ This sort of Indian Constitutional framework obviously reflected the characteristics of a Strong Centre of an alien power (British Government) in India. During 1940s All India Muslim League favoured Strong Provinces; for before Partition of India took place, Provinces of Sindh, Baluchistan, N.W. Frontier, whole of Punjab and whole of Bengal were populated by Muslims in predominance. All India Congress favoured a Strong Centre, for Hindus were in majority on the whole in erstwhile undivided India. This per-se was the root cause of partition and formation of separate Dominions of Bharat and Pakistan. After Partition, however, Congress leadership still favoured a Strong Centre. Accordingly therefore the Constitution of Bharat was devised. Old order, heavily based on Government of India Act 1935, was, mutatis mutandis, repeated; in fact with Centre having more powers. Powers were again enumerated in three lists - Union List, State List and Concurrent List. Comparison of the Constitution of Bharat as adopted in January 1950 with Constitution of 1935 under British rule shows that the Central Government of India assumed more powers after attaining freedom. This is shown in the table given below:

Name of the the list	Matters contained in Constitution of 1950	%age	Matters contained in Constitution of 1935	%age
Federal/Union list	97	46	61	40

Provisional State list	67	32	56	37
Concurrent list	47	22	36	23
Total	211	100	153	100

Under this Indian Constitution, the Union/Federal List contained matters of immense importance. These included Defence, War and Peace, Central Bureau of Intelligence, Foreign Affairs, Foreign jurisdictions, U.N.O., Treaties with Foreign Countries, Piracies and Crimes, Extradition, Immigration and Emigration matters, Preventive Detention, Communications of all sorts, Currency, Financial Controls, Banking, Insurance and taxes, Customs, Excise and Audit, Supreme Court, State High Courts, Union Public Service Commission, Elections, Specific Industries, Universities, Institutions of Scientific and Technical nature, Trade and Commerce with Foreign Countries, Exports and Imports, Mines and Minerals, Inter-State matters, Historical Monuments, Survey of India, Census etc. Against these matters, State List included relatively less important functions such as Public Order, Police Courts, Prisons, Local Government, Public Health and Sanitation, Roads and Buildings, Irrigation and Flood Control, Agriculture, Animal Husbandry, Industries, Gas, Fisheries, Trade and Commerce, Education, Art and Culture, Relief and Rehabilitation, Inter-State Pilgrimages, Intoxicating Liquors, Weights and Measures, Burials and Cremations etc.

Legislative powers in respect of matters specified in the Union List exclusively vested in the Indian Parliament. Whether heavier than those specified in 1935 Constitution of undivided India or not, these powers should have normally been applied to the Provinces of erstwhile British India. But these powers of the Indian Parliament and/or Indian President when applied to Princely States which had acceded to India by 15 August 1947, made a big difference. The basis of the Instrument of Accession which the Princes of the Indian States had undergone with Govt. Of India was shaken at the root by adoption and enactment of the Constitution of India. In the case of Kashmir, however, "to begin with, the President (of India), acting under Art. 370, made the Constitution (Application to Jammu and Kashmir) Order 1950 by which such legislative powers and other provisions of the Constitution were applied to the State as corresponded to matters specified in the (so-called) instrument of Accession."²

In the Indian Constitution of 1950, Art. 370 was origi-

nally designed, inter alia, to delineate certain limitations of Indian Parliament to make laws for Jammu and Kashmir State. " Art. 370 (which was Art.306 in the draft) was negotiated between Gopalaswami Aiyanger on one side and Sheikh Mohmad Abdullah on the other. The negotiations did not end on a happy note as Sheikh Mohmad Abdullah had some reservations about the draft as finally approved by the Government of India. But that did not deter Government of India from going ahead with its own draft which was adopted and enacted by the Constituent Assembly of India on 17-4-1949 and formally incorporated as Art. 370 of the Constitution."³ Notwithstanding that sort of lacunae in constitution making, Sheikh Abdullah or for that matter his Interim Government in IHK, which had been moulded, in the words of Hari Singh, according to the desire of Indian Union, had no locus standi whatsoever to hold negotiations or participate in any meetings on constitution making at Delhi, particularly in respect of future relationship of Kashmir State with Indian Union. "But the Govt. of India", Abdullah wrote, "was insistent upon their expeditious participation."⁴ However, the Interim Government of IHK joined the Constituent Assembly of India, at the time when Constitution making had progressed there. "When Art.1 of the Constitution (pertaining to formation of Union of States) in particular, was adopted, the four representatives of the State - Sheikh Abdullah, Mirza Mohmad Afzal Beg, Maulana Mohmad Sayed Masoodi and Pandit Moti Ram Baigra were not present in the House; that is, the Constituent Assembly of India."⁵ Out of the said team of IHK Government, Maulana Masoodi was later exposed as the agent of Indian Government in Kashmir. He helped Indian Government at many an occasion in implementing their plans in respect of Kashmir. Masoodi's life was therefore in danger. He escaped two attempts on his life but on the third he got killed when he was shot at his head by the Muslim youth of Kashmir in December 1990.

However, Art. 370 of the Indian Constitution, initially read as under:

Temporary provisions with respect to the State of Jammu and Kashmir: Notwithstanding anything in this Constitution:

(a) the provisions of Art 238 shall not apply in relation to the State of Jammu and Kashmir.

(b) the power of Parliament to make laws for the said State shall be limited to:

(i) those matters in the Union List and the Concurrent List which, in consultation with the Govt. of the State,

are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion legislature may make laws for that state; and

(ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

Explanation: For the purpose of this article, the Government of the State means the person for the time being recognized by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the Fifth day of March 1948;

(c) the provisions of Article (1) and of this Article shall apply in relation to that State;

(d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify;

Provided that no such order which relates to matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Govt. of the State: Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Govt. of the State referred to in paragraph (ii) of sub-clause (b) of the clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this Article, the President may, by public notification, declare that this Article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify: Provided that the recommendations of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

Comments

Art.238 of the Indian Constitution referred to in clause 1(a), which dealt with the Constitution of Part 'B' States till 1956 was not applied to Jammu and Kashmir State, although the State had been clubbed unilaterally with the Indian Union of States under Art.1 of the Indian Constitution against the letter and spirit of U.N. Resolutions accepted by India as well as against such provisions of Indian Constitution itself which pertained to international agreements and relationship with the U.N.O. Further when Art.1 of the Constitution was adopted, no representative of the Govt. of IHK was present in the house (i.e. the then Constituent assembly of India). Art. 238 was later omitted from the Indian Constitution in 1956 under 7th Amendment Act.

Under clause 1(b) of Art.370, powers of Parliament to make laws were made susceptible to consultations with the Govt. of the State and limited to matters in the (so-called) instrument of Accession viz. Defence, Foreign Affairs and Communications. This must have been a top priority clause in this Article, for the indian leadership must have been eager to bring to the book their efforts of 3 long years in annexation of Kashmir with India and give it some form of conditional constitutional shape and later claim that Kashmir was as good a part of Union of States as any other State in India. Substantial evidence has been produced in the foregoing chapters of this book about the intrigue and fraud involved in the so-called accession of Kashmir. Any attempt of giving it a constitutional shape should ultimately be of no avail, for the People's Will must in the long run prevail.

However, for purposes of this article, the Govt. of the State was defined as the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's proclamation dated 5 March 1948. This needs some elucidation. Not Maharaja, but his 19 year old son was acting as Regent on behalf of Maharaja at that given point of time. Maharaja, as has been stated earlier, had been pushed out of the State on forced leave of absence for a temporary period on 20 June 1949. That temporary period was extended over years till he died outside the State. That obviously meant that he had been forced to abdicate on 20 June 1949. Art. 370 of the Indian Constitution was applied with effect from 26 January 1950. Questions therefore arise: (1) Why the Regent appointed by Maharaja, who was for the time being acting in his place, did not appear in this Article? and (2) if the Maharaja,

who had lost his treaty rights and bonafides on 15 August 1947 was the person recognised by the President of India, was he (Maharaja) consulted in framing this article? Operative clause of Maharaja's proclamation dated 5 March 1948, referred in Art. 370 reads as:

"I accordingly hereby ordain as follows:

(1) My Council of Ministers shall consist of the Prime Minister and such other Ministers as may be appointed on the advice of the Prime Minister. I have by Royal warrant appointed Sheikh Mohmad Abdullah as the Prime Minister with effect from to-day,

(2) The Prime Minister and other Ministers shall function as a Cabinet and act on the principle of joint responsibility. A Dewan appointed by me shall also be a member of the Cabinet.

(3) I take this opportunity of giving once again a solemn assurance that all sections of my people will have opportunities of service, both civil and military, solely on the basis of their merit and irrespective of creed or community.

(4) My Council of Ministers shall take appropriate steps, as soon as restoration of normal conditions has been completed, to convene a National Assembly based upon adult suffrage, having due regard to the principle that the number of representatives from each voting area should, as far as practicable, be proportionate to the population of that area.

(5) The Constitution to be framed by the National Assembly shall provide adequate safeguards for the minorities and contain appropriate provisions guaranteeing for the freedom of conscience, freedom of speech and freedom of Assembly.

(6) The National Assembly shall, as soon as the work of framing the new Constitution is completed, submit it through the Council of Ministers for my acceptance.

These clauses indicate that the very spirit of the proclamation made by the non-bonafide fake ruler of the State, Hari Singh on 5 March 1948 was altogether different. It is doubtful, if within the ambit of this proclamation and/or his another proclamation of 20 June 1949, stated in the previous chapter, his Regent or the council of Ministers had any authority to deal with matters contained in Art. 370. The above quoted proclamation amply endorses the fact that conditions in the State were abnormal. It speaks of constitution of National Assembly with coverage over each voting area. This couldn't be done for obvious reasons that 37 percent of the total population and 40 percent of the territory of Kashmir State remained under Azad Kashmir Government. Clause 6 of

the above stated Proclamation reveals another facet of the power struggle in Kashmir. Maharaja wanted the constitution when completed, be submitted to him for acceptance. As has been stated at length in the foregoing chapter, Hari Singh and Abdullah remained as ever at daggers drawn for: (a) Hari Singh had no locus standi to rule the State; and (b) Abdullah most probably desired to capture the supreme authority. Government of India took advantage of that situation and first took over control of State forces and then sent Hari Singh out of the State first on temporary leave of absence which, when extended indefinitely, virtually meant his abdication on 20 June 1949 - seven months before Constitution of India commenced.

Under clauses (2) and (3) of Art. 370, the Constituent Assembly of the State (Azad Kashmir included) when convened, was loathed with powers to ratify the actions taken by the Government. Cessation of this article and/or curtailment and amendment were also made susceptible to the recommendations of the Constituent Assembly when convened. However a true Constituent Assembly for the entire State under the control of two alien powers in the two parts of the State could not so far be convened.

Art. 370 has therefore following inadequacies:

- (1) That it has been framed when conditions in the State were abnormal.
- (2) That it has been framed in collaboration with the Government which was of interim puppet character moulded in accordance with the desire of the Indian Government in IHK.
- (3) Maharaja of Jammu and Kashmir referred to in this article was neither liked by the people of Kashmir nor by the leader of Interim Government of IHK and nor by the Government of India herself. The Government of India had pushed him out of the State before this article was introduced in the Indian Constitution.
- (4) Maharaja's proclamation of 5 March 1948 referred to in this article and the terms of reference specified therein for the Interim Government were different than dealing with the future relationship of the State with India.
- (5) The members of Interim Government who collaborated with Indian Government in framing this article were not elected representatives of the people.
- (6) It was in glaring contradiction of the U.N. Resolutions and commitments of Indian Government in the Security Council, in Press, public and Parliament in respect of Kashmir as also against the provisions of Indian Constitution relating to the U.N. decisions and

international behaviour.

(7) According to Art. 1 referred to in Art 370, India, that is Bharat, is a Union of States. The Union is a territorial community and the territories of States are specified in its First Schedule. It is interesting to note that: (a) IHK (Indian Held Kashmir) is not Jammu and Kashmir State, for 40 % of its territory with 37 percent population lies on the Pakistan side of the cease-fire line; and (b) No representative of either IHK or Azad Kashmir Government has represented in the Constitutional Assembly of India when Article 1 of Indian Constitution was adopted.

(8) Among all other States specified in Schedule 1 of the Indian Constitution it is only Kashmir State which, by dint of Art.370, is to have a separate Constitution. Therefore inclusion of Kashmir State in the Union of States under First Schedule of Art.1 unilaterally without first holding a bonafide Constituent Assembly and framing a Constitution by the population living on both sides of the cease-fire line and obtaining its concurrence to the inclusion of the State in the List of Indian Union of States constitutes contradiction existing in the Indian Constitution, and makes the claim of India on Kashmir still weaker.

Whether clauses (2) and (3) of Art. 370, which provided for the determination of relationship of the State with India by the Constituent Assembly of the State when convened, were really sincere and inviolable or merely ostentatious and a stratagem to form a temporary tunnel through which permanent provisions of Indian Constitution could be carried under the policy of step by step colonial domination of the people of the IHK, is examined in good depth hereinafter. Indian Government, it may be pointed out here, had accepted the cardinal principle of Plebiscite at the U.N. for the people of Kashmir only one year before introduction of this article in her Constitution. If this constituted a trespass in the U.N. Charter, its application and subsequent application of other provisions of Indian Constitution over the years in IHK forms a case for International Court of Justice - the principal judicial organ of the United Nations Organisation. It may be pointed out here that as the time passed, and India succeeded to some extent in strengthening its loose foothold over IHK by all possible methods, the purpose of this Constitutional Manoeuvre viz. Art. 370 was exposed later by Mr. Gulzari Lal Nanda (the then Home Minister of India), when "On December 4, 1964, he said, he regarded it as a 'tunnel in the wall between India and Kashmir." (Frontline June 1990).

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NOMINAL CONSTITUENT ASSEMBLY - A COLONIAL GUILLE

Jagirdari (Feudal Land Grants) System in Kashmir had in the past one century of illegitimate Dogra rule created, inter alia, social and economic differentials of the worst order between the populace and the ruling clique. In fact armed uprising of 1947 against Maharaja Hari Singh had started from Rajouri, Poonch and Mirpur areas of the State, where Dogra rulers had extensively granted land in favour of their relatives and supporters. In Kashmir Valley, Kashmiri Hindus were mostly the recipients of such grants at the hands of Dogra rulers. Muslims in general were engaged as tillers of such lands on meagre pittance almost under duress. Conditions of cultivators were appalling.

Against the wishes of the Regent in IHK and minority Hindu community in general, Abdullah and his close associate and Revenue Minister of his interim Government Mirza Afzal Beg formulated a scheme regarding abolition of Jagirdari System and Landlordism, where under land holding was restricted to 182 Kanals (22.75 Acres) per family; and land above 182 Kanals per family was to be taken over by the Government without compensation and the same distributed among the tillers of such lands. Abdullah sent this scheme to the 19 year old Regent (son of Maharaja Hari Singh) for his formal approval. But this Regent referred the matter to the Secretary of Kashmir Affairs, Government of India instead. 'This elicited an angry memorandum' from Abdullah. Besides other things the memorandum said that "the Govt. of India had no jurisdiction in this matter."¹ This angry memorandum too was referred by this young Regent to Govt. of India.

It may, however, be pointed out here that notwithstanding Art. 370 of the Indian Constitution, this matter did not otherwise fall within the jurisdiction of Govt. of India. Right over the land, land tenure, the relations of landlord and tenant etc. were not the matters included in the Union List or Concurrent List of Indian Constitution. This was a matter contained in its State List. However, in accordance with the norms of colonial rule, the reply to the scheme of Abdullah's interim Government on abolition of Jagirdari System was drafted in New Delhi and returned to Abdullah through the Regent. It read as follows:

"I appreciate the constitutional position under the proclamation of March 5, 1948. Nonetheless it seems to me that these very far-reaching proposals which will drastically affect the economy of very large section of the population and for the sanctioning of which there is

no properly functioning legislature at present, should, in the existing delicate political situation, be first examined in concert with the Govt. of India and that we should not rush this legislation without satisfying that Government. I would ask the Ministry to consider this aspect of the matter."²

Noteworthy is a point that such a condition was not deemed necessary by Govt. of India when Maharaja was asked to sign the instrument of accession and when Kashmir was enveloped under Art.1 of the Indian Constitution under still more delicate political situation. Did such actions by Govt. of India not unduly affect 80% population of the State?

However, on this sort of undue interference of Govt. of India in the internal matters of IHK, Sheikh Abdullah was annoyed. Without waiting for the formal approval of the Regent, he, in a public meeting at Lal Chowk in Srinagar hurriedly announced his interim Government's decision in respect of abolition of Jagirdari System and Landlordism and the policy of distribution of surplus Jagirdari lands, over and above the ceiling of 22.75 acres fixed for landlord family, to the cultivators of such lands. It therefore became difficult for Govt. of India to suggest any radical changes in this scheme. However on the advice of Govt. of India, Abdullah reluctantly made some amendments to these proposals.

When ultimately applied Abdullah claimed that this scheme affected nine thousand and odd landlords (mostly Hindus) from whom four and a half lakh acres of land were taken away and the same were distributed among two lakh and fifty thousand landless cultivators (mostly Muslims). That meant a large section of population was benefitted under this scheme. Evidently therefore it proved that India was basically communal clad in ostentatious secularism.

The fact, however, remained that the abolition of Jagirdari System formed first such practical case which awakened Abdullah, whereby he could test whether Govt. of India was sincere in having its relationship limited to Art. 370 of the Indian Constitution with the State or that it was only an eye wash and a stratagem for step by step colonial domination of IHK. He later stated in his autobiography that "Art. 370 of the Indian Constitution was framed ...under the circumstances ...when this entire matter had become the centre of U.N. debates and diplomatic activity, although we had differences with some of its details and expression."

It was at this stage that the U.S.A. Ambassador in India Loy Henderson had discussions with Abdullah in that summer of 1950. Abdullah in his autobiography later wrote: "Loy Henderson and his wife (while on their usual visits to Kashmir) would at times come to meet me... One time we exchanged views on this topic that if the State would remain as a Buffer State, the main cause of blood row between India and Pakistan could come to an end. But for this there was a condition that both India and Pakistan guarantee its existence."³ This idea must have weighed upon in due proportion upon Abdullah's future course of action. Further by the undue interference of Govt. of India in the internal matters of Kashmir, he might have attempted to give amends to his past action and in particular to his concocted temporary relationship with India. On the other hand Govt. of India must have noted with some concern Abdullah's meeting with Loy Henderson.

Korean war broke out in June 1950. That engaged the international attention. To that extent Kashmir issue got in the background. Taking advantage of that development, Indian Government attempted to push her international commitments of holding the plebiscite in Kashmir in cold storage, by diverting the world attention towards elections in Kashmir and framing a constitution, though no other State of India had a separate constitution. Dr. Karan Singh, who was acting as Regent of Maharaja in Kashmir at that time, later confessed that "the concept of Constituent Assembly to frame a Constitution for the State was part of a broader political strategy to make the question of plebiscite redundant. Although on several occasions Jawahar Lal reassured the U.N. and Pakistan that India stood by earlier commitments, it was clear that if a Constituent Assembly did meet and reaffirm the State's accession to India it would have an impact on public opinion abroad."⁴ But the suppressed people of Kashmir, for certain, believed that no matter in whose possession Kashmir may temporarily rest, its title shall ultimately vest in its owner - the people. To India "plebiscite would be positively dangerous... Hindu minority would feel uneasy" (Patel's letter of 3 July 1950 to Nehru refers). In free and impartial plebiscite Abdullah saw end of his puppet regime and his Nehru-made career. His ambition to hold the supreme authority in IHK had not yet been achieved. Illegitimate Dogra rule over IHK still continued. The panacea of all these ills was seen in an alternative concocted course of action - Nominal Elections and Biased Constitution Making in IHK without any international control, supervision and observation. This was something unusual and extraordinary for a country like India which outwardly

professed and pleaded for democracy and opposed tooth and nail colonial rule elsewhere in other parts of the world. Explanation in limiting the elections to IHK was given by its puppet Interim Government that the other part of Kashmir under Azad Kashmir Government (Northern Areas included) constituted, comparatively, a small proportion. That was absolutely incorrect. 40 percent of the territory with 37 percent population of Kashmir - all Muslim and anti-Indian living in Azad Kashmir, Middle East, Europe and other parts of the world could always install a substantial impact on any problem in respect of their homeland - be it elections, plebiscite or any other course that might have been envisaged. It is because that they had suffered at the hands of Indian army and Abdullah's puppet government. Indian-held Kashmir was not, in any case that great in area and population, that the elections in the other part across cease-fire line could be kept in abeyance. Therefore any plan of holding of elections in IHK, which formed only a part of Kashmir State, would not be compatible to the provisions of Indian Constitution for the simple reason that IHK did not form the territory of Jammu and Kashmir as specified in Indian Constitution.

Soon after Indian Constitution was adopted in that country, Govt. of India started discussions with their puppet Interim Government in IHK about convening the so-called Constituent Assembly. It was an interesting colonial drama unprecedented. A draft Proclamation was prepared and sent to the Regent for his signature. In this Proclamation the Regent (Young son of Hari Singh) suspected the end of Dogra Dynasty. He held: "Although my father had designated me as Regent, he had not abdicated..." On 30 November 1950, therefore Govt. of India consulted Hari Singh who lived outside the State. In his reply to Sardar Patel on 10 December 1950, Hari Singh made several points and vainly protested for his own existence as ruler. He further pointed out that the Proclamation as drafted, if issued, would lack proper sanction and will be ultra-vires, as its various clauses conflict with each other..."⁵ Leaving the opinion of Hari Singh on the draft Proclamation aside, Govt. of India, on 27 January 1951, again sent it to the Regent for his signature. On 31 January 1951, the Regent again showed his helplessness in signing that Proclamation and returned it to Govt. of India.

At this given point of time, Security Council met and Govt. of India assured the World body (Security Council) that convening of the Constituent Assembly was not intended to bye-pass U.N.O's decisions on Kashmir; that the Constituent Assembly in IHK would settle internal

matters leaving international issues unaffected. The Security Council adopted a resolution on 30 March 1951; particulars whereof have already been stated here-in-before in the Chapter on 'International Aspect of Kashmir Problem.' In this resolution it was, inter alia, reiterated that the principle of Plebiscite was a sine-quo-non for the settlement of Kashmir dispute. Further this resolution blocked any action that the Constituent Assembly might take in respect of affiliation of the State or part thereof.

In spite of the avowed assurance in the U.N.O. stated as above, Govt. of India, however, carried on the path it had chosen to colonize IHK to the utter dismay of the Muslim majority of that part of Kashmir in particular and democratic world in general; no matter if the international norms and standards, commitments in various forums of the world, and U.N. Resolutions were grossly violated.

On 5 April 1951, Gopalaswamy Iyanger wrote a letter to Hari Singh in which he, inter alia, stated: "The Govt. of India are committed to the convening of a Constituent Assembly, the preparations of which are in active progress in the State. That Assembly will be held whether the formal Proclamation issues or not. In the view of the Govt. of India it must be convened, if both their commitments to the people of Kashmir and their stand at Lake success are to be implemented in spirit and in the letter... No purpose will, therefore, be served by any act of your Highness which holds the signing and issue of the Proclamation by Shri Yuvaraj."⁶ Further Hari Singh was given some vague assurances about his dynasty if he lifted the ban on Yuvaraj to sign. Since the concocted extension of illegitimate Dogra rule was breathing its last at that event, Hari Singh understood the redundancy of his position and gave in and left the matter to the discretion of his Regent who then signed the Proclamation on 21 April 1951.

Under the directive of Govt. of India, action in respect of holding the Assembly was soon set in. India, after formation of a nominal Assembly in IHK, often claimed that the election was held and a bonafide Constituent Assembly was formed in Jammu and Kashmir in 1951; and the elected representatives prepared the Constitution of the State. This is far from truth. Voiceless subjects of IHK, it may be pointed out here, faced a veritable mountain of lies - most dishonest and malicious lies. For the author it is most unpleasant to recall all that; but in the context of this research work, this had to be done. The democratic world and the people suffering under colonialism should know what the people of Kashmir have faced and

may bear in mind what fraud was played by alien powers in the Himalayan State of Kashmir; and may react or strive to find out just solutions of such human problems of the world.

A delimitation Committee was set up by Abdullah's interim Government. It recommended creation of one hundred constituencies for the entire Kashmir State; out of which only 25 seats were arbitrarily earmarked for 37 percent population living in 40 percent territory of the State in Azad Kashmir (Gilgit and Baltistan included). Besides placing that component of anti-Indian population in the low key, it was contended that the Election in Azad Kashmir would be held and the elected representatives of that part of the State could join the Assembly of IHK later when it would be possible. Further, it is interesting to note that Census in Indian-held Kashmir was not conducted in 1951. This was a well calculated move to jettison the potential opposition to Indian occupation of IHK and hoodwink the world that the so-called Constituent Assembly covered the entire territory and population of Kashmir. Out of 100 seats, only 63 seats were due to be allocated to Indian-held Kashmir (IHK) and remaining 37 seats to Azad Kashmir. To tilt the balance against Indian designs, they needed only 14 seats out of 63 seats of IHK, when there were more than 50 constituencies in IHK predominantly Muslim. India therefore made the best use of the 'Ugly Satanic Contrivance of the Twentieth Century' (i.e. cease-fire line of Kashmir), in the similar manner as the super powers made use of the U.N.O. and its charter for their own ends.

After eliminating, though temporarily, the potential threat of the population of Azad Kashmir to the so-called Constitution making in the state and to the tacit plans of affiliation of the State with India, there still remained a sizeable impact of Muslim majority of IHK. But to the satisfaction of Govt. of India, as it must have been, Abdullah and his puppet Government suppressed pro-Pakistani and/or anti-Indian Muslim majority up to the hilt. The norms of emergency imposed by Abdullah's Emergency Council in 1947 had taken some roots and had become a regular course of thought and action for all the puppet regimes of IHK. During Abdullah's misrule, however, "it had become common for the police officers of his Government of that time to arrest any person on a trifling pretext. It was nothing new for the ruling clique to make fallacious accusations and employ third degree methods of tyranny and oppression on any person with whom they had personal enmity. The members of the Ruling Party troubled their opponents in their business too on the pretext of being their political opponents...

On the walls of Hotels and in Buses, posters had been affixed warning the people that 'Political talk was Prohibited'... Some of the National Conference leaders kept un-named warrants in their pockets, so that the same could be used in time of need and any of their opponent arrested... Whatever was sold under (Government) control, there too wangling was done and the Ruling clique distributed eatables clandestinely to their kith and kin or made a mess in it (Distribution System) by corrupt means."⁷

In this hour of historic calamity in Kashmir, however, the voiceless subjects of IHK pinned their hope upon U.N. Resolution of 5 January 1949 which assured their self determination by free and impartial Plebiscite and U.N. Resolution of 30 March 1951 which made every attempt of the so-called Constituent Assembly in respect of determining the affiliation of the State or part thereof as invalid. Under such circumstances they showed no resistance to the election manipulations. Brutal behaviour of Abdullah and his interim Government with the populace and U.N. resolutions made it imperative for the Azad Kashmir Government to advocate a boycott of these elections in IHK. Otherwise also, elections would be rigged, for Abdullah would not permit any opposition. Dogra Hindu Community which constituted about 30 percent of population in IHK also boycotted. Elections were therefore held for two seats only. Remaining 73 Assembly seats were filled by Abdullah suo-moto. Mufti Bahaudin, one time Chief Justice of IHK High Court later wrote: "But the elections were really stage-managed. They were neither free nor fair. The Constituent assembly came to be regarded as an Assembly of Sheikh Mohamad Abdullah and his seventy five 'nodding goats'."⁸ This nominal Assembly of Abdullah's making in IHK came to be known as Constituent Assembly of Jammu and Kashmir State. Muslim majority in IHK had nothing to counteract this historic onslaught on democracy. Indian Press remained, by and large, silent on this undemocratic episode. Press reports of Pakistan and Azad Kashmir were unheeded. Indian Government dubbed such reports as a propaganda, though the true facts were in the knowledge of Govt. of India through their Intelligence Bureau in Kashmir. Mr. B.N. Mullick who was appointed by Govt. of India as Dy. Director Intelligence Bureau (I.B) and posted to Kashmir in September 1948 later confessed in 1969 that, "Nomination papers of most of those who could form an opposition were rejected - a pattern which was followed in several subsequent elections. So practically all the constituencies returned candidates unopposed... The result of this election satisfied the Sheikh's vanity, as he used to declare openly that he was Kashmir and anybody who was opposed to

his views did not have any place in the Valley. So, to him the existence of an opposition party in the Constituent Assembly was unthinkable."⁹ From this sort of late confession by a responsible I.B. officer of Govt. of India, who was in charge of Kashmir at that event and who acted "as the agent of Prime Minister Jawahar Lal Nehru", it is obviously and rightly inferred that (a) Election of September 1951 in IHK was complete farce and a big fraud; and (b) It suited Govt. of India in implementing its plans of annexation of Kashmir with India. The composition of this so-called Constituent Assembly and its Constitution making could thus be imagined. One of the members of this Constituent Assembly by name Syed Mir Qasim, who was close confidant of Pt. Nehru and who was installed on many a position in the puppet administration of Kashmir and was for some time Chief Minister in IHK and a Minister in the Indian Cabinet, later wrote in his book 'Dastani Hayat', about the composition of this Constituent Assembly that "Members whom Sheikh Sahib had made for the Constituent Assembly; many among them were of a strange type. The number of educated members was rather less." This in turn meant that large number of this Constitution making body was chosen, if not from illiterates, but from semi-literate, who could not understand even the definition of the Constitution, not to speak of its language and implications.

Supreme authority in IHK, for which Abdullah strived hard from 1947 onward, appeared to him in sight. Therefore he assumed a different posture. He started blowing hot and cold. When so-called Constituent Assembly first met on 5 November 1951, Abdullah delivered a long speech there. In one breath he observed that with the exception of items like Defence, Foreign Affairs and Communications, we have complete freedom to frame our Constitution. In another breath he advocated altogether a different policy. He said: "Cabinet Mission Plan has provided for three different courses for States. A State can either accede to India or accede to Pakistan, but failing to do either, it still can claim the right to remain independent. These three alternatives are naturally open to our State... We have to consider the alternative of making ourselves an Eastern Switzerland, for keeping aloof from both States but having friendly relations with them. This might seem attractive; in that it would appear to pave the way out of the present deadlock. To us as a tourist Country, it could also have certain obvious advantages; but in considering independence we must not ignore practical considerations. Firstly it is not easy to protect sovereignty and independence in a small country which has not sufficient strength to defend itself on our long and difficult frontier bordering so many countries. Secondly

we must have the goodwill of all our neighbours. Can we find powerful guarantors among them to pull together always in assisting our freedom from aggression?"

Abdullah obviously wanted his hand picked Assembly members to draft the Constitution accordingly. He further placed four main issues before the Assembly for discussions and decisions. These included: (a) Ratification of Abolition of Jagirdari System and Landlordism Bill; (b) Ending of Dogra Rule; (c) Reasoned conclusions regarding Accession; and (d) Form of Future Constitution.

Some believed that Abdullah wanted Kashmir to be a Republic within the Republic of India; while some others understood that he placed before the Assembly a proposal of 'Kashmir to become a Buffer State.' While the contention of 'Republic within a Republic of India' does not conform with Abdullah's proposal of Kashmir to become an Eastern Switzerland, the idea of the buffer State might have, it is believed, emanated from the discussions Abdullah had with the U.S. Ambassador in 1950 and out of the U.N. resolution of 30 March 1951, whereby any decision of the Assembly in respect of affiliation of the State with India or Pakistan was deemed as invalid in the context of other two U.N. resolutions accepted by India and Pakistan.

The Plan of future status of Kashmir introduced by Abdullah in the so-called Assembly was altogether different, if not opposite to that of India. Out of that differential there ensued a dual, unique in design in the democratic world, between Govt. of India and leader of the so-called Assembly (Sheikh Abdullah - once cat's-paw of Pundit Nehru). To feel the pulse of Abdullah in respect of future relationship of Kashmir with Indian Union, "Gopalaswamy Iyenger (in April 1952) wanted to bring about a measure of integration between Kashmir and India on financial matters by extending the jurisdiction of the Comptroller and Auditor General to the State. The Sheikh strongly resented this move and accused the Govt. of India of wanting him to sign a promissory note in their favour. Piqued by this attempt of the Govt. of India at financial integration, Sheikh Abdullah made a highly provocative speech at Ranbir Singhpura the same month,"¹⁰ in which he, among other things, described arguments on application of Indian Constitution over Kashmir as "unrealistic, childish and savoury of lunacy." In another speech two weeks later Abdullah again reacted sharply against India. He advocated that Kashmir should become a bridge of friendship and kindred between India and Pakistan. That was all against the past achievements of annexation plans of India in respect of Kashmir. So

something was needed to avert the awkward situation that Indian Government would otherwise face if the so-called Constituent Assembly was permitted to go the way it liked.

With a purpose to bring Abdullah back to his original position, Nehru called a meeting in Delhi to discuss the issue of replacement of Maharaja (Ruler) by Sadri Riyasat (Head of the State). Abdullah and his four colleagues attended. On behalf of Nehru, however, Moulana Azad attended this meeting. Instead of taking up the issue of Sadri Riyasat in the meeting Azad explained to the Kashmir Team the Centre-State relationship. He told Abdullah and his colleagues that the Central Government of India was identified by certain signs and institutions. These, among others, included, President of the Union of States, National Flag, Supreme Court, Election Commission of India, Control of Comptroller and Auditor General etc. He then enquired from Abdullah if he recognised these signs and institutions. Abdullah turned bitter and retorted: "We have come here with a simple issue. We want to make Sadri Riyasat as head of the State in place of Maharaja." However the matter was evaded by intervention of others who were present there. The meeting ended, and the team returned to Kashmir.

Soon after so-called the Constituent Assembly resolved on 7 June 1952 that the Flag of Jammu and Kashmir State shall be rectangular in shape and red in colour with three equidistant vertical strips of equal width next to the staff and a white Plough in the Middle with its handle facing the strips. The ratio of width to the length of flag shall be 2:3. The Regent Karan Singh, however suggested that by the side of this flag of Kashmir, Indian flag should also be hoisted. That suggestion was turned down by Abdullah.

While, however, this session of the so-called Assembly was on, the Basic Principles Committee, consisting of Abdullah and his eighteen associates recommended that: (a) the form of the future Constitution of Jammu and Kashmir shall be wholly democratic; (b) Institution of hereditary Rulership shall be terminated; and (c) Office of the Head of the State shall be elective. These recommendations were unanimously adopted on 12 June 1952. Further in this session a committee was appointed to draft a resolution in this behalf, which was as expected deferred, because Indian Government desired to discuss the report of the Basic Principles Committee, the future status of Kashmir and its relationship with India.

In a hope that with the abolition of illegitimate Dogra

rule in IHK, the long era of oppression and exploitation might end; and the people, as they were told, would have a President and government of their own choice, jubiliations were held in Srinagar city. Within two weeks time, the Prime Minister of India Mr. Nehru made an announcement in the Indian Parliament on 26 June 1952 about the susceptibility of Indian Constitution to the international commitments in respect of plebiscite of the people of Kashmir. He said: "If after a proper plebiscite, the people of Kashmir said, 'we do not want to be with India', we are committed to accept that. We will accept it though it might pain us. We will not send an army against them. We will accept that, however hurt we might feel about it. We will change the Constitution if necessary."¹¹

Amidst these developments, another meeting was called in Delhi to discuss Constitutional matters. This meeting was so important that, besides Mr. Nehru, Gopalaswamy Iyenger, Sir Girja Shanker Bajpai also participated. Sheikh Abdullah was accompanied by his close associates and members of the Drafting Committee of the so-called Constitution of Jammu and Kashmir. Govt. of India, in this meeting also posted their draftsmen on Constitution making, to work with Abdullah's associates and a preliminary draft on Basic Principles of the so-called Constitution was prepared in Delhi. Govt. of India raised no objection on having a separate flag for the State and adoption of the recommendations of the Basic Principles Committee stated as above; but in doing so she insisted that 'the State flag should be hoisted side by side Indian Union flag.' As stated above, the Regent Karan Singh had made the same suggestion before, which Abdullah had turned down while he was in Kashmir. But while in Delhi when he faced the colonial ordeal, he accepted to still severe a condition that 'the Union flag would occupy the supremely distinctive place in the State.' Further in respect of appointment of Sadri Riyasat (Head of the State), Nehru's choice of electing the young Regent Karan Singh had to be honoured, though his age did not meet the requirements of that position. That clearly proves that the so-called Constituent Assembly was nominal and shows how a puppet Government under a colonial system gives in and becomes susceptible to humble submissions under different situations.

As to the fundamental issue of accession of the State, "Gopalaswamy insisted that the proposal about accession be passed... Panditji (Nehru)... set saying that 'he could not at all permit doing so, because Indian reputation would be sullied'... "We have repeatedly... assured that the future of Kashmir will be decided through a free and impartial Plebiscite."¹²

In respect of extending some articles of Indian Constitution like the matters of Financial integration, Supreme Court etc. to the State the two sides differed. At Kashmir House in New Delhi, the State drafting committee, however, brought to the notice of Abdullah that the draft agreement prepared on the lines suggested by him was not acceptable to Govt. of India and that the latter was trying to bind them to strict conditions. A stalemate therefore reached and Abdullah ordered his Resident commissioner in New Delhi to reserve Railway seats for their return journey to Kashmir. "All of a sudden Mr. Gopalaswamy Iyenger ...came to see Sheikh Sahib in Kashmir House and it was on the persistence of Gopalaswamy Iyenger that Sheikh Sahib got the railway tickets canceled."¹³ Thus he could not run away but had to willy-nilly go for the meeting with Mr. Nehru. "Messrs Sheikh, Bakshi and Beg went to meet Panditji (Nehru) and ...got quite a new draft prepared from there."¹⁴ On the basis of the lopsided new draft, obviously dictated by the Indian Government an agreement was pushed through in Delhi on 24 July 1952, which came to be known as Delhi Agreement. This obviously meant that the so-called Constitution making was kept in the leading strings of Indian Government from the very beginning and cleverly it was still claimed by Indian leaders that the Constitution in Kashmir was prepared by so-called the Constituent Assembly of Jammu and Kashmir.

One retired Chief Justice of IHK, by name Mufti Bahauodin, in this behalf later wrote: "Sheikh Mohmad Abdullah could see India in its true colours only when in the midst of the proceedings of the Constituent Assembly, he was pressurized and, according to unconfirmed reports, even black mailed to surrender to the (Indian) Union various matters other than those specified in the Instrument of Accession. The Sheikh succumbed to the pressure and surrendered to the (Indian) Union certain additional matters through what has come to be known as Delhi Agreement of 1952. Placing the agreement before the State Constituent Assembly on 11th August 1952 he apologetically said that it was for the Constituent Assembly to determine whether it should 'agree to continue the relationship (with India) on the present basis or extend its scope as it might like and consider feasible and proper.'" (His article in daily Alsafa dated Dec.16, 1990 refers)

According to Sheikh Abdullah the following were 'certain broad principles' and 'tentative decisions' taken under the Delhi Agreement:

(1) Residuary Powers would vest in the State in the case

of Kashmir, although in regard to all other States it would vest in the Union. More powers would be transferred to the Union by the people of Kashmir.

(2) Citizenship: It was agreed that in accordance with Art. 5 of the Indian Constitution, persons who have their domicile in the Jammu and Kashmir State shall be citizens of India. It was further agreed that the State Legislature shall have power to define and regulate the rights and privileges of the permanent residents of the State, more especially in regard to acquisition of immovable property, appointments to services and like matters. Till then the existing State law would apply. It also agreed that special provision should be made in the laws governing citizenship to provide for the return of those permanent residents of Jammu and Kashmir State, who went to Pakistan in connection with the disturbances of 1947 or in fear of them as well as of those who had left for Pakistan earlier but could not return. If they returned; they should be entitled to the rights and privileges and obligations of citizenship.

(3) Fundamental Rights, which are contained in the Constitution of India, could not be conferred on the residents of the Jammu and Kashmir State in their entirety, taking in to account the economic, social and political character of our movement as enunciated in the New Kashmir Plan... The main point to be determined is whether the chapter of our Fundamental Rights should form a part of the Kashmir Constitution or that of the Union Constitution.

(4) Supreme Court: The Supreme Court jurisdiction was recognised in regard to such Fundamental Rights as would be agreed to by the State, as also regarding disputes mentioned in Article 131 of the Indian Constitution. It would be the final court of appeal. But detailed examination of this would be necessary and 'it was agreed that we should have time to consider it further.'

(5) State Flag: The new State Flag was no rival to the National Flag, but its continuance was necessary for historical and other reasons. The Union Flag would occupy the supremely distinctive place in the State.

(6) President of India: Powers to grant reprieve and commute death sentences would belong to the President of the Union.

(7) Headship of State: Following principles were agreed upon: (a) the head of the State shall be the person recognized by the President of the Union on the recommendations of the legislature of the State; (b) he shall hold office during the pleasure of the President; he may, by writing under his hand addressed to the President, resign his office; (d) he shall hold office for five years; and (e) he shall continue to hold office till his successor was elected.

(8) Financial Integration: The necessity of some financial arrangement was seen, but a detailed and objective examination was considered necessary.

(9) Emergency Powers: On the application of Article 352 of the Indian Constitution opinion differed, but it was ultimately agreed upon that central intervention in regard to internal disturbances could come only at the request or with the concurrence of the government of the State. The Govt. of India did not press for the application of Art.356 or Art.360. Other articles were acceptable to Kashmir, but the delegation of the State wanted some time to study the implication.

In this agreement the differential of contradictory interests of the grasping power and the revolted cat's-paw of Nehru (Abdullah) are evidently built-in: Govt. of India interested to strengthen its hold over IHK and Abdullah pulling complacently in the opposite direction. Notwithstanding, this agreement has been drawn by the Indian installed Govt. of IHK and Govt. of India in 1952, when there was either State Constitution of 1939 in force or there was no constitution wherefrom the Govt. of IHK could derive a right to enter in to an agreement for the whole State with India. There appears no such provision available in any State Constitution of the past whereby the IHK Government could either undergo this sort of agreement or implement the same.

However, in the first instance, the so-called Constituent Assembly in IHK had to clear the backlog. After adoption of the Basic Principles Committee Report on formation of wholly democratic constitution, termination of illegitimate Dogra rule and establishment of a separate head of the State, a resolution had to be drafted by the Drafting Committee appointed for that purpose. Though the formation of a wholly democratic constitution was obviously impossible under the colonial rule, Indian Government under the circumstances left no stone unturned in achieving their objective of integration of IHK with India by obtrusion and incessant interference in constitution making in IHK and showing up to the outside world their own manipulations and/or doings in the name and under the seal of so-called Constituent Assembly. Delhi Agreement constituted one of many an undemocratic method of pressurization and dictation from the Indian Government to the puppet Government of IHK. Under such circumstances, however, the resolution of the Drafting Committee must have obviously been tailored to the provisions of the Delhi Agreement and the same placed before the so-called Constituent Assembly in its session of August 1952.

As a partial follow up action of the Delhi Agreement, illegitimate Dogra rule was declared as abolished in the State on 21 August 1952 and office of the elected Sadri Riyasat established with a condition that the Sadri Riyasat shall be the person recognized by the President of India on the recommendations of the so-called Legislative Assembly of the State. This decision or political manoeuvre was obviously illusive, irrelevant, illegitimate, misleading and baseless for:

(a) Maharaja Hari Singh's illegitimate rule, by virtue of termination of fraudulent Amritsar Treaty rights, had already ended on 15 August 1947;

(b) Maharaja Hari Singh was deposed under a proclamation issued by the Ruling Party of Azad Kashmir Government on 4 October 1947;

(c) People's Government for the State had come in to being in 1947 under the name Azad Kashmir Government and it was very well functioning with a President over the past five years before this decision was taken in IHK. Bonafides of that Government and/or President thereof had not been questioned by the majority community of the State, who mattered in constitution making; and

(d) The life that had unduly been inducted in Hari Singh's rule in IHK by India on 27 October 1947 mainly for purposes of justifying the illegal occupation of IHK, too had de-facto ended on 20 June 1949 when he was unceremoniously pushed out of the State and exiled for ever.

Although Govt. of India made use of this contrivance in many ways and seemingly were satisfied for the dividends it paid them in the short run, but oft repeated ill conceived contrivances proved not only futile but dangerous traps much derogatory and destructive in many ways to Indian nation itself.

However, in keeping with the fundamentals of colonial rule in IHK, selection of the son of Maharaja Hari Singh as the first Sadri Riyasat was decided at the will and pleasure of the Prime Minister of India, Mr. Nehru in New Delhi and this selection was easily got through the nominal Assembly of IHK; because its non-representative membership was heavily susceptible to fickleness and complacency for obvious reasons. In this behalf Abdullah later wrote in his autobiography: "As we were told (directed) by Jawahar Lal (Nehru), we agreed to this arrangement viz. taking Karan Singh as the Sadr-i-Riyasat."¹⁵ In view of his active role in helping India from 1947 to 1952, Abdullah was obviously helpless to understand the implications, aims and objectives that were built in selection of Maharaja's son as the first

Sadr-i-Riyasat of IHK by Mr.Nehru.

On 15 November 1952, the so-called State Constituent Assembly of IHK met in Srinagar and elected Mr. Karan Singh as Sadr-i-Riyasat (President of Kashmir State) for a five year term, although there was simultaneously another President functioning as President of Azad (Free) Kashmir. Dr.Karan Singh was only 21 years of age against 25 years required for this post. Age bar was relaxed for him as a special case. The Constitution Amendment Act Svt. 2009 was passed by the so-called State Constituent Assembly on 17 November 1952, and Maharaja of Jammu and Kashmir replaced by Sadr-i-Riyasat.

Art.370 of the Indian Constitution was simultaneously modified as follows:

"In exercise of powers conferred by clause (3) of Art. 370, the President, on the recommendations of the Constituent Assembly of the State of Jammu and Kashmir, is pleased to declare that, as from the 17th day of November 1952, the said Art. 370 shall be operative with the modification that for the "Explanation" in Clause (1) thereof the following explanation is substituted, namely:

"Explanation: For the purposes of this Article the Government of the State means the person for the time being recognised by the President on the recommendation of the Legislative Assembly of the State as the Sadr-i-Riyasat of Jammu and Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office."

Creation of the office of the Sadr-i-Riyasat in IHK and elimination of Maharaja and/or his Regent was not obviously to the liking of Hari Singh who stood abdicated. He kept harping on his own theme, that commitments given to him by Govt. of India were not honoured. Govt. of India would attribute going back to its commitments and promises to changed political conditions and compulsions of international politics. To keep his mouth shut, however, a carrot was still kept dangling before him that his son Mr. Karan Singh had been taken as the Sadr-i-Riyasat.

In order "to keep Sheikh Mohmad Abdullah under check, an agitation, which was widely believed to have been engineered and supported by Delhi, was started and carried on at Jammu by Hindu Chauvinists under the name of a newly framed party called 'Praja Parishad', which campaigned for one Vidhan (Constitution), one Pradhan (President) and one Nishan (Flag). Sheikh Abdullah

understood the game, more so, because of the unhappy experience that he had in the course of his discussions with the Govt. of India regarding Art.370 and Delhi Agreement. He felt disillusioned with India and could not conceal his resentment."¹⁶ "A similar agitation was being carried on in Delhi city by the Jana Sangh, a party newly formed by Dr. Shyama Prasad Mookerji (Member of Indian Parliament) on the issue of Kashmir's complete integration with India... The Sheikh became extremely bitter and categorized this as Hindu revivalism which was trying to swamp the Muslims of Kashmir and the Muslim majority areas of Jammu."¹⁷

Beyond the item pertaining to the President of the State, Abdullah seemed dragging his feet in implementing other items of the Delhi Agreement in which Govt. of India was more interested. This reluctance came to the surface when he directed his law knowing members to prepare alternative drafts of Constitution. Different drafts were prepared by them. Abdullah desired that the same be published for eliciting public opinion. This meant referendum in respect of the future status of Kashmir in IHK, which course Indian Government was always averse. Some factor or element heavily prevailed upon him not to pursue that course. The matter was therefore dragged on and further action in respect of implementation of Delhi Agreement deferred. In the process it was first deemed proper that the differences in alternative drafts prepared by law knowing committee be sorted out in collaboration with the Working Committee. When they came to no final conclusion, this job was entrusted to the Working Committee exclusively.

The Working Committee then prepared a draft Constitution, according to which Jammu and Kashmir State would become a 'federated and autonomous Republic'. Federal Units, under this draft Constitution, would consist of:

- (1) Jammu (Province): consisting of districts of Jammu, Kathua, Udhampur and Doda.
- (2) Kashmir (Province): consisting of districts of Srinagar, Baramulla and Anantnag.
- (3) Poonch: consisting of districts of Mirpur, Poonch, Muzafarabad excluding parts of Tehsil Uri now included in Baramulla district.
- (4) District of Ladakh including the Tehsils of Skardu, Kargil and Leh.
- (5) Gilgit.

Till the settlement of the accession dispute, the State would have only three units: Kashmir, Jammu and Ladakh. Abdullah then announced in a broadcast from Radio Kashmir

on April 17, 1953 that autonomy would be given to different cultural units in the State.

As to the future status of the State, the Working Committee placed its report before the Council. In this report four different alternatives, as stated in the chapter on 'International Aspect' were articulated. These included Plebiscite, Independence without any alien power control, Independence with Indo-Pakistan control on Defence and Foreign Affairs, and Dixon Plan.

Govt. of India and the minority community of Hindus of the State were against any sort of such action, for they wanted merger of the State with India. Ladakhi Buddhists consisting of only one percent of the total population would prefer to join Tibet if it were possible; failing which they would opt for merger with India. Muslim majority of Doda protested against clubbing them with Hindu dominated districts of Jammu.

Since no proposal was envisaged under the said draft constitution in respect of integration of the State or IHK with India, the so-called Accession ran in to a rough weather. Praja Parishad agitation, with the active support of fundamentalist Hindus, got a fillip in Jammu and some parts of India. Strong demands were also set in motion simultaneously from Delhi circles for implementation of the lopsided Delhi Agreement. This way the pressures were developed on the so-called constitution making in IHK. The opposition party leader of Jan Sangh in India, Dr. Mookerji tried to make a capital out of that agitation and protested the Govt. of India that the separate status be done away with and the merger of Kashmir with India brought about. "The Prime Minister of India said, "that the Govt. of India agreed with the Jan Sangh's views that Jammu and Kashmir should be fully integrated with India and was taking steps in this direction."¹⁸ Nehru wanted to erode the separate status of Kashmir over a period of time. He instructed his I.B. officer in-charge Kashmir to persuade the Praja Parishad leaders of the Hindu minority community to call off the agitation, explaining that "as the matter (Kashmir issue) was still under the consideration of the Security Council, a separate status for Kashmir had to be maintained for some years. Their (Kashmiri Muslim majority's) special privileges would gradually disappear and Kashmir would be like any other State of India."¹⁹ In this far sighted deceitful approach lay, inter alia, the heinous elements of (a) hoodwinking the nations of the world to whom India had given assurances of self-determination of the people of Kashmir; (b) deceiving the Muslim majority of Kashmir; and (c) designing the IHK constitution of

India's choice in respect of its merger with India.

Dr. Mookerji was firm in his own contention of having the State completely and immediately as an integrated part of the Indian Union. He also wanted to go to Jammu and join the agitation of Hindu minority against Abdullah's Government over there. But for the entry to the IHK, he had to take permission from the IHK Government. This was then known as Permit System - a sort of Visa to enter Kashmir. While he ventured to enter Kashmir without the Permit, he was arrested on Kashmir border at Madhopur bridge by the IHK Government on 8 May 1953. It may be recalled here that Mr. Nehru also was likewise arrested by the then Maharaja Hari Singh's Government on the Kashmir border at Kohala on 19 June 1946 for entering the State without a Permit. But Nehru was released after one weeks detention and pushed out of the State. Unlike Nehru, Dr. Mookerji was detained for a longer period in Srinagar, probably because he did not want to move out of the State without achieving his objective. After some time in detention he fell ill and was hospitalized where he died on 23 June 1953. During his detention period, Nehru visited Srinagar with a set purpose to persuade Abdullah to implement the Delhi Agreement and frame the constitution of India's choice particularly in respect of its merger with India. Nehru did not show any interest in the release or detention of Dr. Mookerji during his stay in Srinagar, obviously because in that case the pressure that had been mounted on Abdullah for designing the constitution of India's choice would be depleted. On Dr. Mookerji's sudden death, Nehru, however, was much worried about the repercussions. IHK government was severely criticized all over India for detaining Mookerji in Kashmir.

Abdullah at this late stage understood the real intentions of Nehru and other leaders of India in respect of Kashmir. They all wanted the merger of Kashmir with India and only differed in the method with which that merger could be brought about. Further "Sheikh Abdullah found in this ample support for his own allegation that India was basically communal and so Kashmir could have no honourable place in that country."²⁰ Nehru took strong note of Abdullah's separatist tendencies and the support that he mustered from the Muslim majority in IHK for so doing. But before any action could be taken to remove him from the scene, some ground work was obviously imperative. Among various measures in this behalf, Abdullah's Dy. Prime Minister Bakshi Gulam Mohmad was involved through the well known Indian agent Kashmiri Hindu Durga Prasad Dhar. Bakshi was clapped on the back and prompted to take over the IHK government. In the last week of July

and first fortnight of August 1953, the plot of overthrowing Abdullah was directed by Nehru himself. The directives that Nehru gave to Sadr-i-Riyasat and his I.B.officers in this behalf have been described in this book under the Chapter on "International Aspect". Some more details of this colonial drama are given as under:

Some complaints of corruption against his Cabinet Minister, Shyam Lal Saraf - a Kashmiri Hindu, were received by Abdullah. Pending enquiry in to the allegations Abdullah advised Mr.Saraf to resign from the Cabinet. On 7 August Saraf wanted some time before he could resign. Abdullah later wrote in his book that at about 6 P.M. on Saturday, the 8th August 1953, he called upon the Sadri Riyasat and apprised him of all the developments. Abdullah further wrote: "that Sadri Riyasat advised him to hold a Cabinet meeting in his presence after the week end so that the matter could be sorted out." That meant 10 august, for 9th August was Sunday. Abdullah says he left for Gulmarg - a tourist resort, with his family, his private Secretary, Director Information and Director Visitors Bureau in the afternoon on the same day. In this behalf Mr. Karan Singh, the then Sadri Riyasat reveals a secret letter addressed to Abdullah dated 8th August 1953, in which he wrote: "When we met to-day (i.e. 8th August), I further suggested to you that an emergent meeting of the Cabinet should be held at my residence this evening so that we could jointly explore the possibilities of securing a stable, unified and efficient Government for the Country (Kashmir). But to my regret you evaded the issue."²¹

During the same night of 8/9th August 1953, however, the hammer fell. A joint memorandum of Abdullah's three Cabinet Ministers (Two Hindu and one Muslim), indicating allegations against Abdullah's Government, his dismissal order dated 8 August 1953 issued by the Sadr-i-Riyasat and a warrant of arrest, were handed over to Abdullah at Gulmarg tourist resort. The joint memorandum sent by his three Cabinet Minister, by name Shyam Lal Saraf whom he had asked to resign on charges of corruption, Girdari Lal Dogra (a Dogra Hindu) and Bakshi Gulam Mohmad (a Kashmiri Muslim), made the following charges against the Government headed by Abdullah:

(a) Administration was full of corruption, nepotism and inefficiency; (b) That the Government ignored the recommendations of the Wazir Committee; (c) That there was denial of free expression of the (so-called) representatives of the people in the (so-called) Assembly; (d) That there was complete denial of the right of expression of opinion of Sheikh's own colleagues; (e) Disruptive

forces seeking the disintegration of the State (with India) have been strengthened; (f) Implementation of Delhi Agreement has been delayed; and (g) Delhi Agreement has been openly denounced by Sheikh Abdullah in public.

Concluding, the Memorandum said that the Cabinet has lost the confidence of the people.

It is interesting to note that while these three Ministers of Abdullah's Cabinet affirmed that their Cabinet was corrupt and had lost the confidence of the people, the same three Cabinet Ministers of Abdullah's Government were taken in the Government of IHK after its dissolution. All this was directed from Delhi. B.N. Mullick of the Intelligence Bureau of Govt. of India, in this behalf later wrote: "They (Nehru and Kidwai) wanted that there should be no delay in announcing Bakshi as the new Prime Minister (of IHK). I communicated this to Mehra (then Dy. Director Intelligence Bureau in charge Kashmir) and he remained with Bakshi the whole of that night discussing the situation and ultimately at 4 O'clock in the morning of August 9, when Bakshi heard that a party had left for Tangmarg for arresting the Sheikh, he went to Raj Bhawan where he was sworn in as the Prime Minister (as the office was then called)." ²² Two Hindu Cabinet Ministers of Abdullah's Government, Saraf and Girdharilal were also sworn in as Cabinet Ministers of Bakshi Government on the same night. The plot was thus accomplished by Mr. Nehru and he paved a way for extension of Indian Constitution over to Kashmir, designing the State Constitution in a manner India desired resulting inter alia in enslavement of the Muslim majority of IHK by this crafty and deceitful venture. After utilizing Abdullah's services to the hilt in annexing IHK temporarily with India, he deserted him when he became obstruction in implementation of Indian Plan of colonialism of IHK.

Dismissal of the Prime Minister of IHK and dissolution of his Cabinet by Sadr-i-Riyasat without prior consent of the so-called Constituent Assembly was obviously ultra-vires. Non-confidence of the Cabinet in its Prime Minister could not be the basis of legal justification for the removal of the Prime Minister. This sort of action was against the lofty claims of Govt. of India that Kashmir had a Constituent Assembly. Redundance of that Assembly or the colonial guile imposed by the Indian Government in IHK was thus exposed. But nay! The Prime Minister of India Mr. Nehru would not let the Govt. of India to take that blame. In keeping with his double standard, Nehru made a statement in his Parliament the next day (10 August), when he, inter alia, declared: "Our interest was in a peaceful and progressive government

having the support of the people but 'this was an internal matter and we did not wish to interfere.'²³ What a white lie in the face of the facts revealed by the Indian I.B. Officer B.N.Mullick in his book seven years after Nehru's death.

This sort of undemocratic action of Govt. of India (viz. Abdullah's ouster and arrest) was rather strange both in the context of high claims of Indian democracy and the formidable role that Abdullah had played in favour of India unilaterally from 1947 to 1950 against the wishes of the majority community. But then if Maharaja Hari Singh could be made to sign the Instrument of Accession under duress and later deserted for his wavering statements in respect of future status of Kashmir, Abdullah's desertion was no surprise; for he had out-worn his utilization for India. Abdullah had temporarily mustered support from Kashmiri Muslims for, what was widely believed that he had realized his past mistakes and was trying to give amends to his doings by facing Indian designs in respect of future status of Kashmir. Therefore soon he was arrested, violent demonstrations were held in Muslim majority areas of IHK. As usual these disturbances were crushed with heavy hand by Bakshi. Hundreds got arrested and about sixty people killed at the hands of Police and Militia in about three weeks time. Indian instigated despotism under Bakshi, little different from Sheikh's despotism of his early rule, came in to existence and the worst sufferers were, as usual, the Muslims of IHK.

As is usually the case with any sort of manoeuvre, basic purposes of Art.370 of the Indian Constitution were manifold. One among them was to keep Abdullah in good humour or under some check for he had helped India under odd circumstances in unduly annexing a part of Kashmir territory with it. While the Praja Parishad agitation was in full swing in Jammu, Nehru had, through his I.B. Officer conveyed his determination to the agitating Hindu leaders that in due course of time Special Status of Kashmir provided under Art. 370 would be eroded. When the so-called constitution making under the leadership of Abdullah made no headway to the liking of Indian Government, Abdullah was turned out and detained along with his vocal anti-Indian associates. The time was therefore deemed as ripe to initiate action in respect of application of Delhi agreement and extension of some articles and provisions of Indian Constitution to IHK. In September 1953, a notice was issued by the IHK government that the next session of the so-called Assembly would be held on 5 October 1953. Abdullah at this occasion sent telegrams from his prison at Udhampur to both the

President and Prime Minister of India and also to the Chairman of the (so-called) Kashmir Assembly that arrangements be made for his participation and that of the other members of the (so-called) Assembly who had been detained and taken in to custody by the Bakshi Government. But nay! That principle was not applicable in the case of IHK. They were not permitted to participate in any session of that Assembly. Yet India claimed that democratic processes had been set in the State. Nothing unusual. This game was all jugglery.

After having detained the associates of Abdullah, particularly those members of the so-called Assembly who had formed the Working Committee and prepared the draft Constitution and four alternative proposals in respect of future status of Kashmir, India needed to work upon the remaining 'nodding goats' through Bakshi. Most ignoble means were soon employed to rope in pro-Abdullah members in the first instance. In order to weed out the reluctant ones Bakshi, with the active cooperation and advice of D.P.Dhar, the known agent of Govt. of India in Kashmir, first embarked upon re-organisation of the ruling party - National Conference. According to I.B. Officer Mr. B.N. Mullick 'there were eight original stalwarts in the National Conference, (Sheikh, Karra, Beg, Masoodi, Bakshi, Saraf, Dogra and Sadiq)'. The first four were dropped. Out of the remaining four, two had already joined Bakshi Group and his Cabinet and the last one Mr. Sadiq, who was close to D.P.Dhar was some how or the other roped in; for he held an important position of the Chairman of the so-called Assembly at that event. A close relative of Bakshi by name Abdul Rashid was taken as the General Secretary of the National Conference against Masoodi stated in the list of descendants as above. In order to build a terrific party, third degree methods were ruthlessly employed. Methods of oppression that existed during Abdullah's despotic rule were little changed and multiplied by the multiple of Government grants and naked corruption. Other means during Bakshi regime, as in the past, included arresting anti-Indian people, severely beating and humiliating them in the open and in lock-ups, burning their bodies with hot iron presses, smiting the sensitive parts of their bodies, such as teeth, eyes and even testicles, and applying many other tyrant methods of torment which would not normally be applied in excessive cases of enemy interrogations even.

Besides this savage repression, "any citizen could be detained in prison for five years at a stretch and the Government was under no obligation to inform the detainee about the grounds of detention; the helpless victim could be rearrested after release and detained for another term

of five years... He (Bakshi) imposed heavy restrictions on the State Press and pre-emptorily banned publication of news papers which were critical of his misconceived policy and atrocious deeds... During his period public meetings could never be held in the (Kashmir) Valley for political purposes unless they were meant to support the views and activities of the ruling clique."²⁴

For employment of third degree methods of torment on the people in opposition, ragtags were organised in to what was euphemistically called as Peace Brigade. Clad in common citizen's clothes, the bands of Peace Brigade would move in streets of the capital city and all other towns in Kashmir Valley and whomsoever they suspected to be against Bakshi administration or Govt. of India, they would fall avidly upon him and take him to task. Central Reserve Police, Peace Brigade, Militia and normal police force had been placed in all nook and corner of the Kashmir Valley including a Muslim majority district of Doda in Jammu Province. Tempting bribes, inter alia, included allotment of Route Permits, Contracts in forests, Public Works department and Supplies, Government jobs on discriminative basis, undue promotions and direct appointments to key posts of administration and cash doles. Whereas Government housing colonies were that time developed for Government employees, large chunks of land in these colonies were allotted to the members of the ruling party and close associates of Bakshi, where they built palatial houses. A Route Permit holder would overnight become rich without putting in any effort or investment whatsoever. "There was no branch of administration and no sphere of public life where bribery was not openly practised. To be corrupt carried no stigma, no discredit for an official or a public worker."²⁵ Any head of the Department or Government Officer who showed leanings towards Abdullah's new line of thought or was against the Bakshi Government would be imprisoned. They included the Director Food Control, Registrar University, Chief Engineer Irrigation etc. Corruption took a fillip and became rampant in all fields of life. The trick of the trade was thus employed and 'nodding goats' of the so-called Assembly were placed under thorough check and complete surveillance through heavy corruptions, government grants, undue favours in Government jobs and promotions to their kith and kin and severe intimidations wherever necessary. From this unique pattern of colonization and employment of third degree methods by the Indian installed puppet Governments in IHK an obvious inference is made that any garb of constitution making in any part of the world under colonization is nothing but a cunning and crooked method of treachery and fraudulent dealing. Occupation of a territory by treachery and fraud by any

country and covering of that guilt by any constitutional guile applied unilaterally without international supervision and control is much worst than occupation of any territory and massacre of its people in an open war. The former method of occupation under the garb of so-called democratic methods is immoral, more dangerous, cruel and satanic than the latter; for the reason that though colonization ensues in both case of alien occupation, in the former case the tyranny and torment remains more often than not, unnoticed and unquestioned which prolongs colonization and gives rise to incessant slaughter of the affected populations in their uprisings and revolutions, which are most indiscriminately and wishfully named as sabotage, subversion and terrorism by such nations who are either used to malpractice of colonization or have their vested interests with the colonial power or in such colonization. International organisations, international Courts in general and Human Rights Commission and Amnesty International like organisations in particular need be channelized in the right direction in this behalf so that they make amends in their charters and statutes where necessary and they be raised from strength to strength for the just cause of humanity.

However as it was to happen in the colonial conditions heavily prevailing in IHK, certain provisions of Indian Constitution were extended to IHK with or without modifications, particularly in the direction of establishing the territorial aggrandizement that had been tactfully committed in 1947. But before doing so a bogey of American military aid to Pakistan was raised that it had changed the conditions for peaceful settlement of Kashmir issue (meaning the settlement by plebiscite) and India would integrate IHK by other methods of her own choice unilaterally and grab the territory it had temporarily retained under a solemn international trust on the assurances that a free and fair plebiscite would be held there under the auspices of United Nations Organisation.

Having installed the Government of her choice in IHK, the Government of India proceeded to use it to the hilt. Clause 1 of Art. 370 of the Indian Constitution was then invoked whereby the President of India, with the concurrence of the puppet Government of IHK, made the Constitution (Application to Jammu and Kashmir) Order 1954 on 14 May 1954 and applied all those legislative powers and other provisions of the Indian Constitution to Jammu and Kashmir (practically to IHK) with or without exceptions and modifications tailored to the interests of Govt. of India at that time. Some such articles are stated hereunder and, where necessary, commented upon.

Whereas under the puppet governments of IHK it was not possible to enjoy the rights of freedom of speech and expression or hold peaceful public meetings and processions or frame any anti- government associations or unions and move freely throughout the territory of the Kashmir State, as provided in Art.19 of the Indian Constitution, the President of India was pleased to insert the words: "the security of the State" in clauses (3) and (4) of this article. By the security of the State, Govt. of India actually meant the security of the territory that it had occupied by tactics and not the safety and freedom of the people in IHK. Art.19 of the Indian Constitution gives to its citizens every 'right of freedom to move freely throughout the territory of India.' If the Constitution of India and the so-called Constitution of Jammu and Kashmir have enveloped the entire territory of Kashmir State within their framework, how is it that Indian Government have not allowed free movement of the people of the State from one part (IHK) to another part (Azad Kashmir) for the past more than four decades now?

In consideration with the situation that prevailed and persisted in IHK after 1947 it was obviously imperative for Govt. of India to place all possible curbs and checks on anti- Indian activities over there. Therefore Preventive Detention Law in IHK was to be attended to. Article 35 of the Indian Constitution pertaining to Preventive Detention was therefore modified. In its clause (a-i), the words, figures and brackets: 'clause (3) of article 16, clause (3) of article 32 were omitted and the following clause was added to in respect of Jammu and Kashmir:

"No law with respect to preventive detention made by the Legislature of the State of Jammu and Kashmir whether before or after the commencement of the Constitution (Application to Jammu and Kashmir) Order 1954, shall be void on the ground that it is inconsistent with any of the provisions of this Part, but any such law shall, to the extent of such inconsistency, cease to have effect on the expiration of (twenty years)²⁶ from the commencement of the said Order, except as respects things done or omitted to be done before the expiration thereof."

As to the Administrative Relations between Govt. of India and the IHK, Art. 256 of the Indian Constitution was applied along with an additional clause (stated ut-infra) to the Jammu and Kashmir.

Article 256 reads as: Obligation of the States and the Union..."the executive power of every State shall be so

exercised as to ensure compliance with the laws made by Parliament and any existing law which apply to that State, and the executive power of the Union shall extend to the giving of such directions to the State as may appear to the Govt. of India to be necessary for that purpose." Additional clause reads as: "The State of Jammu and Kashmir shall so exercise its executive power as to facilitate the discharge by the Union of its duties and responsibilities under the Constitution in relation to that State; and in particular the said State shall if so required by the Union, acquire or requisition property on behalf and at the expense of the Union, or if the property belongs to the State, transfer it to the Union on such terms as may be agreed, or in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India."

In addition the following articles of Indian Constitution were applied to Jammu and Kashmir:

Article 267 - Contingency Fund with the exception of clause 2., Article 283 - Custody of consolidated Fund with the exception of clause 2., Article 277 - savings., Article 303 - Restrictions on the Legislative Powers with regard to Trade and Commerce with minor modifications., Article 312 - All India Services., and Provisions of Part XVII of the Indian Constitution as far as they relate to (i) the official language of the Union, (ii) the official language for communication between one State and another or between a State and the Union and (iii) the language of the proceedings in the Supreme Court.

In its application to Jammu and Kashmir, Article 352 - Proclamation of Emergency, was modified to the extent that a new clause was added by virtue of which such a proclamation could be made (a) at the request or with the concurrence of the Jammu and Kashmir Government (Actually puppet government of IHK) and (b) Where it has not been so made it is applied subsequently by the President, to Jammu and Kashmir at the request or with the concurrence of the Govt. of Jammu and Kashmir (Actually puppet government of IHK).

An important provision that needs a special mention here is the Article 253 of the Indian Constitution that was applied in 1954 to Jammu and Kashmir. This has been examined little in depth, for its subject matter transcended beyond the Sovereignty of a Country and has important implications.

Article 253 reads as "Legislation for giving effect to international agreements:- Notwithstanding anything in

the foregoing provisions of this chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international Conference, association or other body."

In its application to the State of Jammu and Kashmir, to the above stated article 253, the following proviso was added:

"Provided that for the commencement of Constitution (Application to Jammu and Kashmir) Order 1954, no decision affecting the disposition of the State of Jammu and Kashmir shall be made by the Govt. of India without the consent of the Govt. of that State."

This sort of a proviso in Article 253 of the Indian Constitution is in conflict with the U.N. Charter. According to UNCIP Resolution of 5 January 1949, final disposition of the State of Jammu and Kashmir is to be made by a free and impartial plebiscite to be conducted under the auspices of the United Nations. Clause 5 read with clause 7 of this resolution identifies the role of All authorities (Governments) on both sides of cease-fire line in Kashmir as of a subordinate nature in so far as Final Disposition of the State is concerned. They are to help the Plebiscite Administrator in holding free and fair Plebiscite in the State. Against the letter and spirit of this resolution, the proviso of article 253 of the Indian Constitution has made the disposition of the State of Jammu and Kashmir susceptible to the consent of the Govt. of that State, which actually meant the consent of the Indian installed puppet government in IHK. Besides, this proviso also runs counter to UNCIP Resolution of 30 March 1951, which has debarred the so-called Constituent Assembly in Kashmir from determining the future shape and affiliation of the entire State or part thereof.

Since then Indian government has been incessantly harping on national sovereignty. "The advocates of the sovereign States (like India) say: 'No one outside our boundaries has the right to tell us what to do... What we shall do, that is our own affair'. The advocates of World Order reply: 'Just as individuals in a State must obey laws made by the majority, and governments of States in a federal Union must give up some of their right to do as they choose, so national governments must give up some of their sovereignty in an ordered world... The very idea of a United Nations Organisation implies weakened sovereignty. Member governments meet together with their freedom

already limited by the pledges they have signed in the Charter. These pledges bind them to pursue a 'world interests' rather than a 'national interests' policy, and bind them to use methods that are different from those of the old time 'free' diplomacy. The solutions reached by majority vote are in their nature likely to be compromised between what any one government would like and what other governments would like: again an infringement of sovereignty. The right of member governments to make special arrangements among themselves is also restricted."²⁷ Article 103 of the Charter, it is repeated here reads: "In the event of conflict between the obligations of the members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

Notwithstanding such international obligations and limitations on the constitution making of the member countries of the United Nations, India continued in her own way all possible methods for integrating the territories of Kashmir with it. It is very interesting to note here that no sooner the Govt. of India extended the aforesaid provisions of her constitution to Jammu and Kashmir in the direction of integrating that State with India, Mr. Nehru, the then Prime Minister of India simultaneously made the following statement in the Indian Council of states on 18 May, 1954:

"Every assurance we have given, every International Commitment we have made in regard to Kashmir holds good and stands. Difficulties have come in the way and may come in its fulfillment, but the difficulties are not of our seeking but of others. But as far as the Govt. of India is concerned every assurance and International Commitment in regard to Kashmir stands." What an illustrious double standard of the Indian Government!

The puppet government installed in IHK under Mr. Bakshi continued all mean methods and ruse unabated. After giving concurrence to the application of above said articles of the Indian constitution to Kashmir, Bakshi tried other methods to establish his foothold. Besides the usual multiple method of coercion and corruption, 'Bakshi released from detention all pro- Abdullah members of the so-called Assembly and tried to trap them in to his camp and associate them with the constitution making of the Indian liking. Mirza Afzal Beg a close associate of Abdullah and other pro- Abdullah members of the so-called Assembly voiced their concern and suggested that constitution making be suspended. But the puppet government couldn't concede, for it had strings from Delhi.

Therefore Mr. Beg and his group boycotted attending the meetings of the so-called Assembly. In order to expose further the machinations of the so-called constitution making, another political party by name 'Plebiscite Front' was formed by some members in IHK, which received a wide support from the majority community. Beg and his group were, therefore, again arrested.

One strange and unfortunate development that took place at this point of time was, that the top leaders of USSR Mr. Khrushchev and Mr. Bulganin appeared on the scene from behind, when they visited IHK in late 1955 and emboldened India in her designs to integrate the territories of Kashmir it had held under UN Trust. Within the ambit of global strategy against USA, Khrushchev did anything that he could to win over India. In Srinagar he declared that Kashmir was a part of India and also backed up the Indian imposed puppet government in IHK. At a dinner party in Srinagar he was photographed while putting a piece of fried meat with his own hand in to the mouth of Bakshi Rashid - the then general secretary of the ruling party, National Conference.

With this strong input from across the border of Kashmir from USSR, the so-called constitution making in IHK got going under the directive from Delhi and the same was prepared at the hands of selected few members of the puppet government under the close surveillance and direction of Durga Prasad Dhar- a well known agent working for India in IHK; and got adopted on 17 November 1956 by show of hands of the members of the so-called State Constituent Assembly present in that session, whom one Chief Justice later nicknamed as 'nodding goats', for they had come in the Assembly by manipulations without fighting any election. In this so-called constitution of the State it is interesting to note that its article -3 says that 'the State of Jammu and Kashmir is and shall be an integral part of India'; and its article 5 says that 'the executive and legislative powers of the State extends to all matters except those with respect to which Parliament (of India) has power to make laws for the State under the provisions of the constitution of India.' The said two articles were, under article 147 of the so-called constitution, safeguarded from any amendment. Article 147 says: 'No Bill or amendment to make any change in these articles can be introduced or moved in either House of the Legislature.' Thus was this stage of illusory integration brought about in IHK by the Govt. of India by all ignoble contrivances through their puppet government installed in IHK against all norms of constitution making. The so-called constituent Assembly then dispersed on 17 November 1956.

The unique method of Indian colonialism and the formula of terror/repression multiplied by corruption applied by the Indian installed puppet government of Bakshi in IHK, continued unabated. So-called elections during Bakshi's rule in IHK were held in 1957 and 1962. Plebiscite Front did not take any part in these elections. As has been universally recognised and also in India as well, on both these occasions the elections were rigged as before; and Bakshi got his hand-picked men declared elected to the legislature by tricks of the trade in which he had full experience. In an Assembly of 75 members only 3 seats were conceded in 1962 to the Praja Parishad in Jammu. "As in the past, Government machinery was completely and unhesitatingly used in support of the ruling party; opponents were disqualified on flimsy and frivolous grounds; the few dauntless candidates who dared to stand for the contest (in that horrifying atmosphere) were mercilessly beaten or kidnapped; Peace Brigade men were employed to intimidate the voters; and when strong arm methods failed, the ballot boxes were tampered with, enabling the polling officers to declare the victory of the National Conference men."²⁸

After having eliminated the pro- Abdullah members from the National Conference and the so-called legislative Assembly, the original quisling Sheikh Abdullah was released from Jail on 8 January 1958 at the directive of the Prime Minister of India - Mr. Nehru. This venture was made in order to feel the pulse of Muslim majority of IHK whether they had succumbed and come to the Indian fold through oppression and corruption under the Indian installed puppet government of Bakshi or not.

Mainly due to the hatred of India, Muslims gathered around Abdullah primarily with a vain hope that he might face the Indian machinations and help in curbing down the havoc that had been wrought in Kashmir. Abdullah held public meetings all over the Valley and "challenged the right of the Govt. of India to be the arbiters of Kashmir's fate and demanded that the people should be given the right to decide this for themselves... It was apparent that the situation was heading for a crisis."²⁹ Sheikh Abdullah was in fact trying to oust Bakshi and seize power in IHK. "On February 21, 1958, he made a more direct appeal for violence after quoting extensively from the (Holy) Koran and citing the incidents when people had risen in rebellion against oppression."³⁰

During Abdullah's detention period, however, the Plebiscite Front had emerged as a sole representative political party in the State. This was the time when Dr. Frank Graham had submitted his recommendations to the govern-

ments of India and Pakistan, on 15 February 1958. While Pakistan accepted Graham's recommendations but India disagreed. The Central Committee of the Plebiscite Front then met in April that year and appreciated Graham's efforts to resolve the dispute and condemned the intransigent attitude adopted by India. It resolved that unless a plebiscite was held under the auspices of the UN, no part of the State could be claimed to have become an integral part of either India or Pakistan. "In the opinion of the Committee the Jammu and Kashmir State has not yet acceded with either of the two dominions and therefore the question of aggression by Pakistan on Indian territory is not a 'reality' but only an excuse for India to maintain her forced occupation on a part of the State... By persistently rejecting every effort by the Security Council or its representatives for a peaceful solution, India has proved beyond any doubt that she does not want a pacific settlement of the dispute in accordance with her previous international commitments and the promises held to the people of Kashmir. Her entire attitude is based on the superiority of her armed strength against Pakistan and the people of Kashmir. The Committee strongly condemns this attitude of India and warns her of the grave consequences that this may lead to... The Committee appeals to the Security Council to take effective measures and make India yield to reason, justice and fair play towards the poor and helpless people of Kashmir... The Committee also appeals to the conscience of the world to render all possible moral assistance to the people of Kashmir who are valiantly fighting to liberate themselves from the iron yoke of Indian Government and her quislings within the State."³¹ Abdullah and his close associates, however, clandestinely used this political forum for their ends viz. to come in to power in IHK and throw out the other quisling Bakshi from the post of the Prime Minister in IHK to which position he had been installed by the Prime Minister of India in 1953.

Sheikh Abdullah, his supporters and Plebiscite Front leaders were soon arrested on one pretext or the other, and the cunning methods of colonial ordeal continued in IHK under the cover of democracy and socialism. Almost all the executive members of the Plebiscite Front were sued on May 21, 1958 under Section 121-A and 120-B of the Ranbir Penal Code and Rule 32 of the Jammu and Kashmir Security Rules. An offence under Sec. 121-A of the R.P.C. was punishable with transportation for life and that under Sec. 120-B of the R.P.C. could be punishable with death or transportation for life, ostensibly for hatching conspiracy against India, but in reality for having strongly voiced the people's demand of plebiscite in

Kashmir.

At the behest of Nehru, Bakshi carried on under the surveillance of Indian Government. To curry favour of his appointing authority of New Delhi (Prime Minister of India), Bakshi allowed frequent inroads in to illusory autonomy of Kashmir that was temporarily permitted under the guile of so-called constitution of IHK. "Within a few years after the adoption of Indian Constitution, a number of Presidential notifications were issued to curtail the autonomy of the State (IHK) without the express desire of the Kashmiris. Among the measures adopted were: Application of fundamental rights (article- 19); Extension of the jurisdiction of the Supreme Court (article-136) and authority of the Auditor General of India, transfer of services to the Union List, approval by the Union Planning Commission of State Development Programmes, financial allocation from the Centre, abolition of the Customs barrier, integration of services and the association of the State with the Northern Zonal Council (of India)"³²

Clauses a,b,and c of the article 19 of the Indian Constitution relate to freedom of speech, expression, peaceful assemblage of the people and formations of associations and unions. These laudable principles in Indian constitution have lost all their values and weight in the context of Public Safety Acts, Police Acts, Criminal Law Amendment Acts, and Maintenance of Public Peace Acts which were denounced by Indian leaders as lawless laws during British rule over India. To these was added Preventive Detention Act, whereunder any one could be arrested and detained for one to two years without any trial before a court of law. In spite of all these deterrent laws applied in IHK, reaction to Indian occupation of Kashmir grew unabated there. The latest in the series of lawless laws was the Terrorist and Disruptive Activities (TADA) Act of 1990 whereby any person could be detained for any period without a trial before the court. IHK has, for the past 45 years (1947 to 1992), heavily and incessantly been made susceptible to such rigorous laws. If Human Rights Commission, Amnesty International or any other International forum concerned with overseeing the behaviour of States over forcibly occupied territories in the world, have any norms to determine the degree of State terrorism and/or colonization of the peoples, Indian-held Kashmir (IHK) will be found as one such occupied territory where people have come under severe suppression and repression in the garb of Nominal Constitution - a colonial guile.

Under the so-called elections of 1962, Bakshi Rashid, the

General Secretary of the National Conference had hand-picked men of his choice for the so-called Assembly, who had strengthened the grip of Bakshi Gulam Mohmad on IHK Government. Bakshi had therefore started showing signs of going beyond what had been assigned to him by the Delhi government. Most probably he understood the game at that late stage and became reluctant to permit Indian Government to make further constitutional inroads in the IHK. Sayed Qasim, one time Chief Minister of IHK, installed by Indian Government, later confessed that "Whenever in Kashmir any leader just gained some strength ... it remained the tradition of the Indian government to this day to keep some one else ready to oppose him. No sooner did he raise his head little up, his favourites appeared from within and pulled him down."³³ However, when Bakshi "openly declared that he would get the Sadr-i-Riyasat (Dr. Karan Singh) out of Kashmir... Sadr-i-Riyasat was keen that the change in the Government should take place quickly and that Sadiq should be given a free hand and Pandit Nehru should force Bakshi to resign at once."³⁴ So the ball was set rolling accordingly.

At this juncture Kamraj Plan was evolved at the instance of Pandit Nehru whereby senior Congress leaders in various States of India were asked to submit their resignations to the Prime Minister of India; so that Nehru could weed out undesirable elements and permit the Congress leaders of his choice to continue. While action in respect of this Plan was being taken in one meeting of the Indian High Command held in late August 1963, all senior Congress leaders present there tendered their resignation to Pt. Nehru. Bakshi Gulam Mohmad, a non-Congress member was also, it is believed, invited to attend that meeting. This Plan was not, however, applicable to him, for it had nothing to do with rescinding or re-structuring the National Conference Party to which he belonged. Yet he succumbed to some tactical move of the support system of Pt. Nehru in that meeting and offered his resignation. But to his utter surprise and displeasure he found on the next day that Nehru had accepted his resignation along with some undesirable Congress leaders.

If it were not a constitutional guile operating in the Indian colony of IHK, Bakshi could normally submit his resignation to Sadr-i-Riyasat only when he would have lost the support of the members of the so-called Assembly. But since he knew that the members in that Assembly had no representative character and that the Govt. in IHK invariably existed at the pleasure of Indian High Command, Bakshi submitted his resignation unwittingly in an excited mental state direct to his appointing authority - the Prime Minister of India.

Now that the resignation was accepted, Bakshi became recalcitrant and refused to fulfill the desire of Pt. Nehru in having G.M.Sadiq as the head of the successive puppet government in IHK. He got another member of his Cabinet by name Shams-ud-din elected by the members of the so-called Assembly in October 1963. Thus ensued an interesting tussle between the Indian High Command and Bakshi Gulam Mohmad. This tussle went as far as to play with the sacred Hair of Holy Prophet Mohammed (May peace and blessing of Allah be upon him), which rested in a quartz tube shaped container in a box at Hazratbal Shrine in Srinagar. This Holy Relic was stolen from its resting place on 26/27 December 1963 night. That set in a tremor in the minds of Muslims of Kashmir and the whole puppet government machinery in Kashmir Valley got topsy-turvy. An Awami (Public) Action Committee was immediately formed under the leadership of the Chief Ecclesiastes by the Muslims of the Valley to force the Govt. of IHK to recover and restore the Holy Relic. Soon a rumour was spread that in the removal of Holy Relic there was a hand of Bakshi Rashid - the close relative and Secretary of the ruling party. When the agitation paralyzed the Government completely for more than a week, the Holy Relic was declared by the Government to have been found on 4 January 1964 and restored at its original place at Hazratbal Shrine. Superstitious it may be that when Nehru realized that it was so sensitive an issue that flared up an unprecedented agitation in IHK, he got a stroke during the Congress session at Bhubaneshwar (Orissa) on 6 January 1964 morning (only one day after restoration of the Relic) and he could not recover from its ill effects till he passed away four or five months later.

The Muslims were as usual sceptical with machinations of Govt. of India in Kashmir. They suspected that it was a substitute relic and not the original one. A special function was therefore arranged on 3rd February 1964 at Hazratbal Shrine for its identification. Lal Bahadur Shastri was sent by Nehru from Delhi to ensure peaceful identification of the Holy Relic. Besides him, there were B.N. Mullick, the Dy. Director of Intelligence Bureau of Govt. of India, Shamsuddin the then Prime Minister of IHK, various other persons of repute and a good gathering. The Holy Relic was identified first by one local saint Mirak Shah Sahib and other thirteen selected persons followed suit. By this venture, the agitation of Muslim majority in Kashmir was brought under control but there came an obvious demand from the Muslims of Kashmir that the actual culprit, who had committed this sacrilege, be brought to the book, which was never done.

Meanwhile two other important incidents took place. One

famous shrine of Janab-i-Asrari Sheriff (R.A) at Kishtwar was burnt. In Jammu city an idol was stolen from a temple near Satwari. The people of these areas reacted sharply. Both the managements of the shrine and the temple were compensated by Shamsuddin's government and the situation was brought under control. These incidents were made a pretext that Shamsuddin was not in a position to deliver goods. Pressure tactics were, on the other hand, applied on Bakshi Gulam Mohmad that he should agree to replacement of Shamsuddin by G.M.Sadiq. Rumour was spread that Bakshi Rashid was involved in the sacrilege of the Holy Relic. If Bakshi Gulam Mohmad failed to respond to the desires of the Indian Government in replacement of Shamsuddin by Sadiq, there was every likelihood of Bakshi Rashid's getting involved in the sacrilege. Afraid of dire consequences he and the General secretary of the ruling party Bakshi Rashid yielded to the directive of the High Command and Bakshi Gulam Mohmad wrote a letter to the Prime Minister of India accordingly. Lal Bahadur Shastri immediately arrived in Jammu on 28 February 1964. He held a meeting of the ruling party at the residence of Bakshi Gulam Mohmad. G.M.Sadiq was elected there as the new leader of the so-called Parliamentary Party. Mullick later wrote: "But it is certain that if the election had been left to the free vote of the (so-called) legislators, Sadiq had no chance and Abdul Rashid (Bakshi) would have been elected with ease,"³⁵ obviously because that Assembly composed of his hand picked men who had absolutely no representative character. Thus was the first decision of the members of the so-called Assembly in electing Shamsuddin exposed and foiled. This historical drama, therefore remained a class example of the colonial guile applied on Kashmir by Govt. of India in the form of nominal Assembly.

The demand of Muslims, for giving out the name of the man guilty of the sacrilege of the Holy Relic, was pushed in to torpid state by colonial contrivances. Mullick, the I.B. Officer acting for Govt. of India in Kashmir at that time, later wrote: "I can not describe the process which led to its (Holy Relics) replacement at the place from which it had been removed on December 27. This was an intelligence operation never to be disclosed."³⁶ Further he added: "It must remain on record that after the recovery of the Holy Relic one person came to me, who is still living and whose name I do not want to disclose. He gave a statement before me that how he was in the know of the incident that took place in respect of removal of the Holy Relic. He gave details and I taped his statement; and his tape recorded statement is secured in the Home Ministry of India."³⁷ These statements of the I.B. Officer appeared to the author as archaic, untrue and

hoodwinking. Therefore the erstwhile National Conference leader and one time Prime Minister of IHK Mr. Shamsuddin was interviewed by the author at his residence on 6 March 1991. Though ailing due to a stroke, which he had got some years back, he was courteous enough to receive, entertain and respond to the author. What transpired in that interview is given ut-infra:

Question (Q). "I am conducting some research work on History of Kashmir and have clubbed the sacrilege of Holy Relic with Govt. of India Plan to remove you from Prime Minister's position and install a man of their choice Mr. Sadiq in your place."

Answer (Ans). "You are right".

Then the author drew his attention to the above quoted statements of the I.B. Officer - Mr. Mullick and asked him:

(Q) "These statements do not fit with the inferences I have drawn."

(Ans) "Mullick's statements are misleading. If some statement of some person was tape recorded and placed on record in the Ministry of Home, (Govt. of India), why has it remained as secret for the past 27 years?"

(Q) "Do you know anything about the sacrilege of the Holy Relic?"

(Ans) "Do you know about other simultaneous incidents which took place at that time? - Burning of the Asrari Sheriff at Kishtwar and removal of the idol from the Temple near Satwari in Jammu and some other affiliated ones. They were all directed to dislodge me, and install Sadiq in my place. Shastri and Indrajai offered me Dy. Prime Minister's post which I did not accept. As to the episode of removal of Holy Relic from its place, I believe it had just been shifted to Hussam Din Bandey's house (that was lying close to Hazratbal Shrine), and was restored at its original place in Hazratbal Shrine when the Muslims of Kashmir turned violent, caused upheaval and the situation got out of control. Also there came substantial reaction to Govt. of India from other countries, which necessitated its restoration."

(Q) "Who played major role in implementing Govt. of India Plan to install Sadiq in your place?"

(Ans) "Mullick and D.P.Dhar."

While Mr. Mullick was the I.B. Officer Govt. of India in Kashmir and D.P.Dhar - a Kashmiri Hindu, they were both working for Indian Government in Kashmir. Mr. Dhar was taken as a Minister in Sadiq's Cabinet. In that position he played a key role in bringing about a chain of Constitutional amendments in the so-called State Consti-

tution in favour of India reducing it to absolute nonentity. After completing his assignment of helping Indian Government in having complete hold over IHK, he was inducted as a Minister in the Indian Cabinet and later appointed as Ambassador of India in Moscow where he died.

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SPECIAL STATUS RIVEN ASUNDER

Shortly after taking over as the Prime Minister of Indian-held Kashmir (IHK), G.M.Sadiq ordered withdrawal of conspiracy case against Abdullah and his associates after about six years of their detention and rigorous court trial in which they had been committed to the Court of Sessions. This action was obviously taken by him at the instance of Pt. Nehru. Abdullah and his associates were then released on 8 April 1964. After his release from Jail, Abdullah assumed a strong anti- Indian posture. Indian Press in this behalf reported: "Abdullah denies the State's Accession to India was confirmed by the (so-called) Constituent Assembly."¹

Abdullah said: "to repeat Kashmir is an integral part of India is utter non-sense."²

Release of Abdullah from Jail had not been made in a huff. It was a calculated move. On his release Abdullah was invited by Nehru. He went to New Delhi on 29 April and stayed with Nehru as his guest. They discussed Kashmir problem. Nehru put forth his Confederation Proposal, which outwardly appeared simple to understand, plausible and commensurate with the Indo-China war of 1962 in Northern areas of India and Ladakh. But his Confederation Proposal had all the necessary ingredients to strengthen India, weaken Pakistan and push the Kashmir issue in to complexity. Nehru then sent Abdullah to Pakistan on 24 May 1964 to have discussions with President Ayub Khan there. Only one day later on 26 May, "it was announced by Sheikh Abdullah in Rawalpindi that the Pakistani President and the Indian Prime Minister were going to meet in New Delhi in June 1964 to discuss Kashmir and other Indo-Pakistan problems."³ Nay! Pt. Nehru, the Prime Minister of India died the next day on 27 May 1964, and his successor Lal Bahadur Shastri did not follow it up after Nehru's death. Later President Ayub Khan, in this behalf wrote: "When Sheikh Abdullah and Mirza Afzal Beg came to Pakistan in 1964, they too had brought the absurd proposal of Confederation between India, Pakistan and Kashmir. I told them plainly we should have nothing to do with it. It was curious that whereas we were seeking the salvation of Kashmiris, they had been forced to mention an idea which, if pursued, would lead to our enslavement. It was clear that this was what Mr. Nehru had told them to say to us. I did not blame them because they were obviously acting under the compulsion of circumstances but they left me in no doubt that their future was linked with Pakistan."⁴

On his return from Pakistan, Sheikh Abdullah, however

continued to maintain anti-Indian posture, for with the death of Nehru, his importance dwindled to the lowest ebb. Indian Press reported:

"Addressing a religious gathering at Hazratbal he (Abdullah) declared that India was in 'forcible occupation' of Kashmir... India should realize that she could not 'carry a nation (Kashmir) with her on the strength of her army and with the help of a few paid agents. The United States with all its strength could not keep Cuba under its control. In today's world no nation can be suppressed with the help of rifles."⁵ In another religious gathering Abdullah declared: "We will either secure our birth right or sacrifice everything in the struggle. There shall be no compromise."⁶ In another public address a few months later Abdullah said: "Kashmiris would try their utmost to secure a peaceful solution of the problem, but if peaceful methods fail, we shall have to launch a struggle."⁷

However in keeping with the norms of puppet behaviour of any employed head of the administration in a colony, G.M.Sadiq danced to the tune of Indian Government. Bakshi Gulam Mohmad was arrested in September 1964 on charges of corruption and offences of criminal nature. But he was soon released, ostensibly on health grounds but most probably, inter alia, on an understanding that he will advise his supporters in the so-called State Assembly not to come in the way of Sadiq's government and application of any provision of the Indian Constitution that the Govt. of India might like to apply on Kashmir. While Bakshi was in Jail, Gulzari Lal Nanda, the then Home Minister of India had, on 4 december 1964, announced that his Government had decided to apply Articles 356 and 357 of the Indian Constitution on Kashmir. Then on 21 December 1964 a Presidential Order to the effect that these articles of Indian Constitution have been applied to Jammu and Kashmir, was issued. That, among other things, indicated that the so-called Assembly in IHK was for all practical purposes redundant. Its decision was taken as having been granted for it was in the leading strings of Delhi. Temporary Provision of Article 370 of the Indian Constitution, whereunder Special Status had been given to Kashmir had fulfilled the purpose for which it had been so designed - Temporary arrangement to cover the initial difficulties of colonizing Kashmir. Time was deemed as opportune by Govt. of India to go the whole hog in rescinding the special status and make Art.370 redundant. "A host of Presidential orders followed, which modified the Constitution (application to Jammu and Kashmir) Order 1954 and as a result thereof most of the remaining legislative powers and other provisions of the

Constitution of India were applied to the State (IHK) either with or without modifications, depending on what suited the Government of India"⁸

It is interesting to recall here that under clause 9 of the Delhi Agreement which was forced upon Abdullah, the Govt. of India had agreed that it would not press for the application of Art. 356. "Both the parties (had) agreed that the application of Art.356, dealing with the suspension of the State Constitution and 360 dealing with financial emergency was not necessary."⁹ Art.356 dealt with the imposition of President's rule over the State (IHK) if its (so-called) constitutional machinery failed. Under Art.357 Indian Parliament could vest powers in the President to make laws and also to delegate powers of law making to specified authorities, and the so-called State legislature was thus by-passed. Further the Govt. of India decided that "Entries 43 and 78 of the Union List and 33 and 34 of the Concurrent List of the Indian Constitution would apply to Jammu and Kashmir State. Entry 43 refers to trading corporations, banking, insurance and financial corporations. Entry 78 refers to High Courts. Entry 33 and 34 of the Concurrent List relate to trade, commerce and price control.

More interesting is the device which was employed to reflect the change concerning "Sadri-Riyasat in Article 370... Clause (3) creates a bar against amendment of that article except on the recommendations of the (so-called) State Constituent Assembly. There was no (so-called) State Constitution Assembly which could make the requisite recommendation. To overcome this difficulty, the President (of India) acting under Art. 370(1) made an order whereby, in its application to the State Clause (4) was added to Art. 367"¹⁰ of Indian Constitution to the effect that references to Sadri Riyasat were to be construed as references to the Governor. This simultaneously necessitated changes in the so-called State Constitution. Sixth Amendment Act was passed whereby its sec.2, amendment to the so-called State Constitution was brought to the effect that for the expression 'Sadri Riyasat' and 'Prime Minister' wherever they occurred the expressions 'Governor' and 'Chief Minister' were substituted (Parts XII and XIII excepted). In section 2 of the so-called State Constitution after sub-Sec.(2) the following sub-section was inserted:

"Any reference in this Constitution to the Sadri Riyasat shall, unless the context otherwise requires, be construed as a reference to the Governor."

A new section 27 of the so-called State Constitution was

substituted which said: "The Governor shall be appointed by the President (of India) by warrant under his hand and seal." In effect nomenclatures of Sadri Riyasat and Prime Minister of IHK were changed in to Governor and Chief Minister on 30 March 1965 respectively.

Such changes in turn set in a chain of amendments in other sections of the so-called State Constitution. New sections for Sec-29, Sec-31, Sec-33 and Form C were substituted; Sections 30, 51, 95, 100-A, 126 and fourth and fifth schedules were amended and Sections 32, 148 to 152 and first schedule omitted.

Sheikh Abdullah and his associates had wrongly envisaged that on expiry of the five year term of Sadri Riyasat, some representative of the people would be elected in his place. Nay! A nominee of Govt. of India was only permitted to head the IHK - be it of the designation of Sadri Riyasat or Governor. That was because the primary objective was, as this research work shows, occupation of the State territory and alien rule over its people. "India did not spare the (so-called) State Constitution from internal disturbance in order to make sure that it was rendered totally numb and lifeless. To this end, the successive puppet regimes in Kashmir were employed to sponsor constitutional amendments which have deprived the (so-called) State Constitution whatever little charm was left in it after repeated assaults under Art.370."¹¹ However, such machinations of Govt. of India in the direction of integration of disputed territories of IHK with her were obviously in gross violation of her international commitments and UN resolutions on Kashmir and against the outwardly expressed desire of Nehru, on the eve of his death, to patch up with Pakistan; for which purpose he had sent Abdullah in 1964 for discussions with President Ayub Khan of Pakistan.

Contrary to the expectations that Shastri's Government after Nehru would keep up with the reconciliation process that Nehru had initiated with Pakistan through Sheikh Abdullah, suspicion and hatred between the two countries culminated in Indo-Pakistan war of August 1965. During that war Indian forces, Border Security force and Central Reserve police, were engaged in burning human settlements in Kashmir Valley. Many villages and parts of Srinagar were destroyed by fire and thousands of innocent people rendered homeless. At this occasion too the Indian agent D.P.Dhar, who was a Minister in Sadiq's Cabinet, played major role in favour of India.

Then in 1966 Art.246 (subject matter of laws made by Parliament and by Legislatures of States) and Art.261

(Public acts, records and judicial proceedings) of Indian Constitution were applied, mutatis mutandis, to IHK. In 1969 Art.248 (Residuary powers of legislation) of Indian Constitution was applied. In its application to Jammu and Kashmir (practically IHK), Art.248 was substituted as follows:

Residuary powers of legislation:- President (of India) has exclusive power to make any law with respect to prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India or secession of the part of a territory of India from the Union or causing insult to the Indian National flag, the Indian Union Anthem and the Constitution." (substituted by C.O.85 w.e.f. 17-2-69)

Over a period of two decades (1959 to 1979) seventeen Amendment Acts of the so-called State Constitution were passed in IHK. Besides the sections stated as above, sections 95, 98, 99, 100 were amended, 100-A inserted, sec. 106 omitted, and a new sec.138 and 4th schedule substituted under first Amendment Act. 2nd schedule in second Amendment Act, sec.49 in third, Fourth schedule in fourth, sec. 50 in fifth, second schedule in seventh, sec.138 in eighth, again second schedule in tenth, sec.49 in eleventh, sections 47, 48 and 49 in twelfth, sec. 142 in thirteenth, sec. 68 in fourteenth, sec. 91 in fifteenth, sec. 52 in sixteenth and sec. 49 in seventeenth amendment Act were amended. New sections 109-A and 48-A were inserted under 9th and 12th Amendment Acts respectively. All this has been revealed here in order to show the delusiveness of the so-called State Constitution as to how it was initially imposed in IHK and how it has been shaken abinitio. These amendments have inter alia resulted in:-

- (a) Special Status which initially permitted IHK, at least on paper, to become an autonomous territory under Art. 370 was withdrawn;
- (b) The (so-called) State Constitution, ever since its inception, became a handmaid of Govt. of India;
- (c) The superintendence, directions and control of elections in IHK has been taken over by the Govt. of India; and
- (d) Kashmir's identity and individuality ensured initially under Art. 370 has lost all its meaning.

"It is thus obvious beyond any shadow of doubt that India has not left even its own Constitution untarnished by fallacious application of its provisions in the pursuit of its zeal to strengthen its grip over Kashmir by hook

or crook and unmindful of their own national and international pledges to the contrary. Little did its leadership perceive that by so doing they were only playing ducks and drakes with their own credibility and their national honour. The actual results are there for everyone to see. The people of Kashmir have been driven to the wall with an awesome feeling of betrayal. The writing on the wall is clear. Shall India heed it? Time alone will show."¹²

However, while Sadiq was the Chief Minister in IHK, nominal elections were held in 1967 which as usual were farce. Normal practice of elections continued to remain to bring in to being a legislature and Government in IHK of India's liking. Opposition always kept at bay. Abdullah had, during his foreign tour in early 1965, met Zhou Enlai of China in Algeria and Colonel Nasser of Egypt and other leaders of African countries. He also attended Islamic Conference at Jiddah and presented Kashmir issue over there. Such type of activities were deemed by India against her interests. Abdullah was, therefore, called back by Indian government and arrested in May 1965 under Defence of India rules. He was first detained at Ota Kamand in South India and later in July 1967 shifted to a Bungalow at Kotla Lane in New Delhi and detained there. Plebiscite Front did not, however, take part in any election conducted in IHK. Commenting on 1967 election, Abdullah later wrote: "One more hoax of election was put up early in 1967. That time almost all the leaders of Plebiscite Front were kept behind the bars. After winning this unopposed wrestling bout, Beg and other leaders (of Plebiscite Front) were, released."¹³ More interesting is the implicit admission of that farce election by the then Prime Minister of India herself. During Sadiq's rule, it so happened that 32 members of the (so-called) State Assembly led by one Minister of State of Sadiq's Cabinet, Mufti Sayed rushed to New Delhi to complain and show their no-confidence in Sadiq's leadership. The then Prime Minister of India Mrs. Indra Gandhi told them, "I know how you have won the election. Whom do you represent? And you speak of being in majority (against Sadiq). Be off and go back to Kashmir."¹⁴

After the farce election of 1967 was over in IHK, Abdullah was released in January 1968. He remained in New Delhi for two months time to explore possibilities of picking up old threads in bringing about rapprochement between India and Pakistan. But many developments had taken place during his long detention period. Indo-Pak war of 1965 had been fought and Tashkent Declaration made by India and Pakistan. Therefore he found no response there and returned to Kashmir after about 3 years exile.

On his return, initially he assumed anti-Indian posture in his public speeches and people rallied round him. But the tempo of his reaction to Indian occupation of IHK gradually came down and in 1969 he started blowing hot and cold, which in due proportion, brought him down in the eyes of Muslims and he lost what little support he had gained. This situation was taken advantage of by Sadiq and he could carry on under the protection of Indian army and patronage of Indian Government till he died in December 1971, when Indo-Pak war of 1971 was going on. One more puppet government headed by Sayed Mir Qasim was installed by Govt. of India in IHK. Mir Qasim had held the position of Congress President in IHK and also worked for some time as a Minister in Sadiq's Cabinet. During his rule again another farce election was held in 1972. "Plebiscite Front was banned, its offices sealed and its workers rounded up."¹⁵ Abdullah, who happened to be in Delhi at that time, was stopped to enter Kashmir under the provisions of Public Security Act.

From 1969 onwards however, Abdullah had shown signs of his temptation for coming to power by making adjustments in Constitution. With the defeat of Pakistan in Bangladesh war of 1971, Abdullah came round in favour of India. He had lost the following of Muslims during Sadiq's rule and was living a life of a person of no special importance. At the age of 70 he had lost his zest to fight or confront India any further. In an interview to London Times on 8 March 1972, he expressed his desire to search a solution of Kashmir issue under Indian Constitution, which idea was welcomed by the Prime Minister of India Mrs. Indra Gandhi in Indian Parliament on 29 March 1972.

As the puppet government of IHK was in the leading strings of Indian Government, Mir Qasim immediately released Sheikh's followers and removed the ban on entry of some associates of Abdullah from entering their homeland - Kashmir. At the instance of Govt. of India Mir Qasim also opened a dialogue with Abdullah which culminated in a meeting between Abdullah and Indra Gandhi in New Delhi on 12 June 1972. As a result discussions ensued on certain constitutional matters of relationship of Govt. of India and IHK, between Mr. G.Parthasarthy on the Indian side and Mirza Afzal Beg on Abdullah's side. Abdullah, who had no importance till that time attained a locus standi in the books of Indian Government when he showed signs of coming to the fold of Indian Government. He was neither a member of the so-called State Assembly nor a member of Indian Parliament; nor even a member of Congress (ruling party) in IHK. Above all he had lost the support of Muslim majority which he had earlier gained

for opposing Indian designs in Kashmir.

However, Beg Parthasarthy talks continued for a long time. In mid 1974, while Indra Abdullah accord was on the anvil, Muslims of Kashmir smelt a rat in such parleys. People knew that Sheikh Abdullah had like a chameleon changed colours many a time in the past; he might, in his personal interest of coming back to power, again wag his tail before the Indian Government. President of Awami Action Committee Moulvi Farooq took out a biggest ever procession in Srinagar on 12 July 1974 against such tendencies. Some members of Alfatah Organisation, which had initiated an armed struggle against Indian occupation of Kashmir, formed a political party by name "Peoples League" in IHK in 1974. This party was headed by Dr. Hamidullah Bhat and Nazir Ahmad Wani. "The purpose and objective (of this body) was that Kashmir issue should remain alive and a just and peaceful solution of Kashmir issue in accordance with the Security Council Resolutions be sought."¹⁶

Government of India was in no case prepared to change the amendments it had made in respect of Kashmir and/or the so-called the State Constitution from 1953 onwards. On 23 August 1974, Abdullah in his letter to Parthasarthy made it clear that he would assume office only on the basis of the position as it existed on 8 August 1953, but the talks between Beg and Parthasarthy still continued. At this crucial juncture the author happened to meet Abdullah. He requested the author to accompany him to Baba Reshi from Srinagar for some technical guidance in respect of preparation of Master Plan of that Shrine. While travelling with him for about an hour in his car the author could converse with him on political matters. What transpired inter-se is stated as under:

Question (Q): What is the progress of Beg Parthasarthy talks?

Answer (Ans): Do your Town Planning. What concern you have with that?

(Q) I believe Govt. of India in its interest now agree to recognize you as a leader after twenty one years. Then why stoop low?

(Ans) Who has stooped low? Your Bakshi has stooped low. Your Sadiq has stooped low.

Then he talked of the sufferings and afflictions that he and his family members had undergone for 21 long years from 1953 onwards. He revealed how Bakshi's ragtags, such as some Gulam Hassan and Qadir Ganderbali had teased his family members. He also talked ill of many other support-

ers of Bakshi whom the author knew not. He cursed Indian leadership and also expressed his doubt on the role of his own representative Afzal Beg. That was revealing. Then Abdullah taunted the author in the following words:

You do your Town Planning and enjoy. You have risen to Joint Director's post. Have you suffered? Have you been jailed? Will you leave your job and go to Jail. You will know what suffering it brings.

The author did not reveal him that he too had been jailed in Quit Kashmir Movement, and never attempted to be included in the list of so-called freedom fighters, whom India had tipped under the scheme of scholarships.

However the way Abdullah talked about his sufferings left the author in no doubt that this person was on the verge of breaking and would give in soon before Govt. of India; and might go to any extent to stage a come back in power in IHK at any cost. Out of 21 years (1953 to 1974) he was kept behind the bars in IHK and exterminated for more than 14 long years. For the remaining period he had kept himself engaged in the management of Muslim Aqaf Trust and lived a life of an ordinary citizen. Another important development that took place in the same year (1974) was that India exploded her first Atomic Bomb and emerged as an Atomic Power in South Asia. Did that particular fact influence Abdullah's mind that he succumbed to the dictation of Indian Government after a long suffering of 21 years, one does not know. But it did so happen that Abdullah again stooped low and changed his colour.

Beg Parthasarthy talks finally culminated in agreed conclusions on 13 November 1974, which was, instead of being called as Abdullah Indra Accord, named as Kashmir Accord. On perusal of this accord one finds that Abdullah's demand for internal autonomy was not acceded. No agreement was reached on changing the nomenclature of the Governor and the Chief Minister in to Sadri Riyasat and Prime Minister respectively as existed before 1965. Parthasarthy did not also agree to the proposals of Afzal Beg in respect of incorporation of provisions of fundamental rights in the so-called State Constitution, control of Election Commission of Govt. Of India over the elections in the State and modifications of Art. 356 of the Indian Constitution. Sheikh Abdullah then took up these matters with Indra Gandhi, who refused to make any changes in the decisions made by her emissary.

However when the Prime Minister of India did not yield to consider the outstanding issues, Abdullah wrote a long letter to her on 29 December 1974 in which he reiterated

his demand for internal autonomy within Indian Constitution and pleaded that, "in case you wished me to help in rebuilding the faith and confidence that the majority community in the State has lost in India, I can only start from the point where I left off in August 1953. For me to take even this position is not going to be without difficulties and I shall be faced with many a doubting mind."¹⁷ This disclosure of Abdullah makes it manifest that Abdullah was being engaged to build confidence in the minds of Muslim Community in favour of India, which in turn meant that the Muslims were averse to India and its machinations of annexing the State with that country against their wishes. During the course of discussions on this Accord, Indra Gandhi employed Nedeus Hotel of Srinagar as a lever to bring Abdullah round. 15 acres of land under Nedeus Hotel belonged to the State Government. It was on lease with Sheikh Abdullah's in-laws. They got an income of 14 lakh rupees from this hotel against which they paid only fifty two thousand rupees to the Government as its rent. "If Abdullah did not sign the accord of Indra Gandhi's choice, Nedeus Hotel, it had been decided, would be snatched from them."¹⁸ The Accord that Beg signed with Parthasarthy, therefore gets reduced to a document agreed by Abdullah and Indra and has obviously no significance in so far as the people of Kashmir are concerned. In his desire and temptation to resume power at his old age under the surveillance and control of Govt. of India, Abdullah at last, succumbed to the coaxing and tactics of the Indian leader and accepted the offer to become the Chief Minister of IHK.

Strange part of this unique drama, however started. At the instance of Govt. of India, Mir Qasim stepped down on 22 February 1975 and advised the Congress members of the so-called State Assembly to elect Abdullah - a non-Congress member as their leader. After two days Abdullah assumed the office of the Chief Minister with the support of Congress party and included three persons in his Cabinet namely, Afzal Beg (his emissary), Thakur Devi Dass (a High Court Judge in IHK) and Sonam Narbu of Ladakh (Indian Ambassador in Mangolia). None of these Cabinet ministers had any link with the Congress party; nor had any one of them been elected to the so-called State Assembly. Bonafides of the so-called State Assembly of IHK were thus exposed. The outgoing Chief Minister was however later rewarded by inducting him as a Minister in the Indian Cabinet inter alia for having helped India in many ways in annexing Kashmir with her and for having agreed to step down.

As the habits take long to depart, both sides (Abdullah and Govt. of India) appeared pulling in the opposite

direction. In order to bring Abdullah near to a puppetry position of his predecessors, he was driven to the wall, by means of expansion of his Cabinet. Till then Abdullah's four Minister Cabinet had two Hindus of India's choice. He expanded his Cabinet on 22 April 1975. Six members from the Congress party and only four from Abdullah's group were taken as Ministers of State and/or Deputy Ministers. As that was not enough to put him under check, one more State Minister from Kashmiri Hindu Community - a Judge of IHK Court, who had tried Abdullah in Conspiracy Case for years was also inducted. Abdullah had to do it that way in his personal interest because he too had no intrinsic locus standi either in the public or in the so-called State Assembly. He was indeed placed in that uneasy position.

Within seven months of his taking over as the Chief Minister of IHK, Abdullah's National Conference party was resurrected in 1975 after having been annulled 22 years back in 1953. Abdullah first became its member in October 1975 and later its President. Those executive members of the defunct National Conference of Abdullah who had joined Plebiscite front during Bakshi's rule declared having changed that party in to National Conference which proved a hoax because Plebiscite Front was reorganised later by Sofi Mohmad Akber.

In 1976 Indra Gandhi's Government in India reached to a brink of disaster when it declared emergency. On June 29 1976, that emergency was extended to IHK. Abdullah did not react to it, though it was in glaring contradiction to Art. 370 of Indian Constitution. On 4 July Govt. Of India banned twenty six political organisations. In that garb Abdullah's Government in IHK arrested many a leader of Jamaati Islami and People's League who opposed his accord and/or accession of Kashmir with India. It was at this juncture Sheikh's last desire came to the surface at his old age on 21 July 1976 when he installed his eldest son Farooq Abdullah as the President of Youth National Conference and organised a Youth rally from Iqbal Park to Mujahid Manzil in Srinagar. Such an action was in tune with the legacy of political inheritance, which had an established history in India.

However the opposition parties in India reacted sharply and brought about a turmoil against the imposition of emergency. That forced Indra Gandhi to hold fresh elections. President of India, on the recommendations of Indra Government, dissolved the Parliament and declared fresh elections, which were held in March 1977. Indra Congress was defeated after remaining in power for 30 long years. Murarji Desai of Janata Party of India became

the next Prime Minister of India. Surprisingly the Congress party in IHK withdrew support to Abdullah's Government on 26 March 1977. Abdullah was left with no other choice but to recommend to the then Indian Governor in IHK to dissolve the so-called State Legislative Assembly and hold fresh elections. Accordingly the Assembly was dissolved and fresh elections declared. Instead of asking Abdullah to continue as a caretaker, Governor's rule was imposed in IHK for the first time, which was taken full advantage of by Abdullah in his election campaign. In order to react on the action of Congress party in withdrawing its support to Abdullah's Government in IHK, Abdullah in a Press statement declared: "Since the Congress party has withdrawn its support, the Accord that had been concluded between him and Indra Gandhi should be deemed to have ended."¹⁹

On the eve of 1977 elections, however, Janata Party was formed in IHK. Many executive members deflected from Congress, National Conference (Bakshi Group) and Jana Sangh and joined Janata Party. Top Janata leaders of India like Murarji Desai, Jagjivan Ram etc. visited IHK and launched election campaign. Abdullah's National Conference took advantage of this situation and fought elections on anti-Indian plane. Abdullah was said to have taken seriously ill, and rumoured one day before election that he was on the verge of his death, which softened the ill attitude, the people had against him. Abdullah's party also boycotted broadcasting on All India Radio and Television, giving an impression that Abdullah had shunned off his leanings towards India. Abdullah's henchman Mirza Afzal Beg promised the people that in case National Conference was voted to power Rawalpindi Road would be opened and all such provisions, laws and amendments in the Indian Constitution and so-called State constitution, which were against self-determination of the people of the State would be got revoked. Afzal Beg who was next to Abdullah in his National Conference exhibited a lump of rock salt and a green handkerchief to the people in his public meetings. Rock salt came to IHK from Pakistan. So it represented the land of Pakistan. Green colour handkerchief, according to him, meant green colour flag of Pakistan. In this deceitful guise the National Conference succeeded at least in bringing down its opposition among Muslim masses. But this tactics was suspected to have been designed by Indian Government itself to continue Sheikh Abdullah in power so that their hold over IHK could continue. Afzal Beg later admitted that the two battalions of Central Reserve Police sent by Govt. of India to prevent Booth Capturing in this election were, instead of sending to Poling Booths, kept inside barracks. The Peoples League suspected that all

such drama was tacitly being played to hoodwink the masses. Therefore it boycotted this election and all other elections that followed in IHK in 1983 and 1987. However by usual manipulations of Booth Capturing and rigging on a mass scale, National Conference won this election and Abdullah got up from his sick bed and resumed the charge of Chief Minister in IHK on 9 July 1977.

During 1977-78 Abdullah's Government curbed anti-Indian feelings among Muslim masses by usual techniques of repression. On its recommendation the Governor of IHK issued Public Safety Ordinance on 29 October 1977 which became an Act in 1978. Under this Act anyone could be arrested on the pretext of being a doubtful citizen and detained for two long years without being heard. Detention period could be extended if the Government deemed it necessary in any case. Abdullah knew that he couldn't afford to play an anti-Indian role at the cost of his position. Special Status articulated under the temporary provision of Art.370 of Indian Constitution, partly incorporated in the so-called State Constitution in the early years of Indian occupation of IHK, had gradually been drained out of it during Bakshi's and Sadiq's rule in IHK. Improvement of the so-called State Constitution seemed to him either beyond retrieve or that any such attempt would have been foiled by Govt. of India, which would result in losing his office at his old age.

Intentions of Abdullah gradually became known that he wanted to groom his son Dr. Farooq Abdullah and install him in his place. Afzal Beg who was next to Abdullah sensed this. Fissiparous tendencies in National Conference therefore started. Against the wishes of Sheikh Abdullah, Beg's son-in-law stood for joining upper house of the so-called State Legislative Assembly. Some members of the ruling party supported his election and he won. Political loyalties of National Conference immediately got divided. Afzal Beg was therefore ousted in September 1978 by Abdullah and deserted for ever; which venture in turn helped him to pave a smooth path to push up his son to the desirable position. Meanwhile, however, Janata Government in India collapsed and Indra Gandhi recaptured premiership of India in 1979.

In 1981 when Abdullah sensed that his health had started showing signs of deterioration due to his old age, he lost no time to push up his son Dr. Farooq to the position of President of the ruling party - National Conference. He hurriedly rushed from Jammu to chill cold snow clad city of Srinagar in Winter season and declared on 23 March 1981 at a prayer gathering of Muslims at

Hazratbal Shrine: "I appoint Dr. Farooq Abdullah as my successor." This was not objected by Mrs. Indra Gandhi. But later when Farooq did not come up to the expectations of Indian Government, the General Secretary of All India Congress-I told the Congress-I Parliamentary party in August 1984 that: "Mr. Farooq Abdullah was 'imposed' on the National Conference of Jammu and Kashmir by his father, Sheikh Abdullah, without any election."²⁰

However, during this term of his service of Govt. of India, as the Chief Minister of IHK, Sheikh Abdullah was asked to grant State Subject to a few lakhs of Hindu refugees, who had come from West Punjab to Kashmir. That would obviously upset the ratio of Muslim population in the State. Abdullah was therefore reluctant to do that. When pressed hard, he reacted sharply and introduced a bill by name, "The J&K Grant of Permit for Resettlement in or Permanent Return to the State" in his so-called Assembly. This bill provided for the return and resettlement of the Muslims, who had been pushed out of IHK and were living in other part of Kashmir across cease-fire line (Azad Kashmir) and other parts of the world. This bill, after being passed by the so-called State Assembly was sent to the Governor of IHK in April 1982. Nay! the Governor did not immediately agree. He returned it to the so-called State Assembly for revision.

While this bill was still under the consideration of the so-called Assembly, Abdullah's health gave way in June that year. He hurriedly inducted his son Farooq in his Cabinet as his Health Minister in first week of August 1982 and soon passed away on 8th September 1982; without politically achieving anything in the direction of changing the so-called State Constitution.

Government of India in collaboration with the ruling party in IHK organised State funeral for Sheikh Abdullah in Srinagar in a big way. Mrs. Indra Gandhi rushed to Srinagar, paid her homage to the deceased National Conference leader and lost no time to install Dr. Farooq in place of his father as the Chief Minister of IHK. "But Farooq was then number eight (in Sheikh's Cabinet). In a palace-like coup all the other seven Ministers were made to give in writing that they were opting out of their claims to Chief Ministership in favour of Farooq. From September 1982 to April 1983 he remained the Chief Minister of the (IHK) State without being an MLA (Member so-called Legislative Assembly)."²¹

In the funeral ceremony of Sheikh, however, which took place two days after his death on 10 September, his corpse clad in Indian flag, placed on a Gun carriage with

his son Farooq Abdullah - the newly appointed head of another puppet government in IHK, standing by his side, was carried in a procession from Polo ground to Naseem Bagh in Srinagar. Besides Prime Minister of India, some ministers of Indian Cabinet, Governor of Punjab, Chief Ministers of Rajasthan and Haryana and various ministers of other States and leaders of political parties of India attended the funeral ceremony of the Sheikh. Along with his death, his commitments that he would open Rawalpindi Road and revoke all such provisions of the so-called State Constitution and Indian Constitution, which had been imposed on IHK after 1953, were buried. The puppet government of Sheikh could do nothing in that behalf. Instead Sheikh and his family amassed wealth from all possible sources, details whereof were published in Urdu by Aabid Hussain Khan and Shabnam Qayoom in their books.

On assuming his charge as the Chief Minister of IHK, Farooq's first political venture was to push through the "J&K Grant of Permit for Resettlement or Permanent Return to the State Bill 1982" for the second time in the so-called State Assembly on 4th October 1982. "The Act styled as Jammu and Kashmir Resettlement of Permanent Residents Act" was passed by the (so-called) State Legislature and received the assent of the Governor... Neither the Govt. of India nor even the Indian people looked kindly to it and launched a slanderous campaign against the (IHK) State Government. The Govt. of India became so furious that they were about to dismiss the (IHK) State Government, unless the latter compromised to refer the matter regarding testing of its constitutional validity to the Supreme Court (of India), where it has been lying ever since in cold storage."²² Thus the first attempt of Farooq was rendered futile.

Soon the election to the so-called State Assembly fell due in 1983. In a 76 member so-called State Assembly, Jammu region had 32 seats and Kashmir Valley (Ladakh included) 44 seats. Mrs. Gandhi wanted that Congress-I and National Conference have seat adjustments on equal footing. Farooq refused to concede half of the 76 seats to the Congress party. Election in all parts of IHK were held, mutatis mutandis, with similar techniques of booth capturing, rigging and manipulations as in the past.

Contrary to the lofty claims of Secularism by Indian leaders, the Prime Minister of India "Mrs. Gandhi mounted a fierce communal offensive and coaxed the Hindus of Jammu to vote against the Muslim candidates of the National Conference. Mrs. Gandhi promised the Jammu voters that she would pick and choose the Chief Minister from this region. No wonder she got 23 out of 26 seats,

ror which Congress-I fought in the Jammu region... But this Hindu communal propaganda had its backlash in the Kashmir Valley, where Farooq won 41 seats out of its 44 seats."²³

In the final result of this farce election, Congress however established its foothold in the so-called State Assembly though this party fell much short in strength - 23 seats out of 76. With 41 seats Farooq moved further against Congress government. He actively collaborated with anti-Congress leaders of India, who had formed a joint front for achieving more autonomy for all States of India. Such an action of Farooq was not, obviously liked by Congress-I Government. Therefore ways and means necessary to topple Farooq Abdullah were soon brought in to play. In his article published in 'Caravan, December 1983 issue' one Mr. Om Gupta alleged Sheikh family of having amassed huge wealth and openly looted the State. Besides he alleged Farooq of having inherited a legacy of corruption, inefficiency and nepotism from his father and that he had kept the anti-Indian bogey alive to appease the extremists of the State. The article inter alia stated that 'in 1971, the Sheikh didn't have any quotable wealth. But to-day their worth is estimated to be over Rupees 200 crore (at 1983 costs). It couldn't have been built from the salary of the Chief Minister.' Further he alleged that Kashmir had become a Police State where 'half of the State budget was being spent for maintaining law and order.' Surprisingly Mr Om Gupta still pleaded for retention of Farooq as the head of the administration for he alone could hold the link of the State with India.

It was at this juncture during Farooq Abdullah's rule that one of the top leaders of Kashmir Liberation Movement by name Mohmad Maqbool Bhat was hanged on 11 February 1984 outside Kashmir at Tihar Jail in Delhi. Even his dead body was not returned to his survivors by the Indian Government. Even after having played in the hands of Indian Government to the extent he could, Farooq Government was toppled the moment Indian leaders suspected him of having some soft corner with the Muslims of IHK. In this behalf Mir Qasim in his book 'Dastani Hayat' later wrote: "Farooq Government was toppled on 2nd July 1984, in the garb of family differences (between Farooq and G.M.Shah) under a nauseous, organised and planned conspiracy." It was contended that 12 National Conference members of the so-called State Assembly had withdrawn their support to Farooq and joined G.M.Shah - his brother-in-law. Such a contention was resolutely refuted by Farooq. "He told N.E.S. that dismissal of his ministry was nothing but repetition of 1953, when his father, late Sheikh Mohmad Abdullah, was deposed by Delhi, without any

qualms of conscience... Mr. Abdullah said the dismissal was unconstitutional as he was neither given an opportunity to show his majority strength on the floor of the House, nor allowed to seek fresh mandate of the people."²⁴

Under the heading "Undemocratic, Says Opposition", one English daily of India, inter alia, wrote: "Strongly denouncing the pre-dawn defection and installation of a 'minority government' in Jammu and Kashmir (IHK), the opposition ... called for united condemnation of this undemocratic Act... Bharatiya Janata Party general Secretary ...said that the Governor (Jagmohan) should have allowed the (Farooq) Abdullah government to test its majority on the floor of the House... The Lok Dal President ...also appealed to all political parties to register their strong protest against the action of the Prime Minister Mrs. Indra Gandhi... The Democratic Socialist Party Chief, Mr. H.N. Bahuguna, said, it was 'one more black act in the long history of Mrs. Gandhi's anti-democratic and arrogant use of power.'"²⁵

Therefore, to believe that there was still any special status left for Kashmir in the Indian Constitution was to live in fool's paradise. To the contrary, not only the special status was riven asunder, all the actions, laws, amendments, rules etc. were directed by Govt. of India to crush and enslave the Muslim majority of Kashmir, in order that they give up the demands of self-determination, freedom of choice and freedom of their home land - their birth right.

However, with the outside support of Congress-I members, C.M.Shah's minority government was installed in IHK. Within four months of Shah's rule in IHK, Mrs. Indra Gandhi was assassinated on 29 October 1984, and her son Mr. Rajiv Gandhi succeeded her as the next Prime minister of India on 31 October.

Shah's puppet regime lasted for about 20 months only. He had indeed a tough time. Farooq's National Conference party had the sole interest to capture the power it had lost. Hindus would not trust Shah, for he was a Muslim. They always aspired to see a Hindu chief minister installed in IHK. Anti-Indian and pro-Pakistani Muslims were averse to incessant machinations of Govt. of India in IHK. With these constraints the law and order situation remained shaky during Shah's rule, which in turn necessitated recourse to black laws like Preventive Detention Act and Public Safety Act. The latter had in fact been brought on the colonial statute of IHK by the founder of the National Conference Sheikh Abdullah.

During his tenure Mr. Shah showed leanings of helping the oppressed Muslim Community to the extent of giving them fringe benefits in recruitment to the lower echelons of government employment and ventured openly making arrangements of mid-day prayers for Muslim employees of the secretariat. That developed reaction from the minority Hindu community and finally resulted in summary and uncereemonious end of his government, which came on 7 March 1986 when Governor's rule was imposed in IHK.

Within first three months of his rule, Governor Jag Mohan amended the Public Safety Act and sharpened the teeth of this black law. Some National Conference leaders reacted sharply against this amendment Act. Their statement added that "the Jammu and Kashmir State (IHK) had an unfortunate legacy of black laws and rigorous security and preventive laws in the past... The governor had taken a retrograde step which no democrat could ever justify. The delayed supply of grounds, detention out of normal place of residence and even out of the State's territory and holding a detainee without a trial for an extended period of two years, were all not only improper but constitutionally not permissible."²⁶ "On July 30, 1986, the President (of India) made an order extending to Kashmir Art. 249 of the Constitution to empower Parliament to legislate even on a matter in the State List on the strength of Rajya Sabha resolution. 'Concurrence' to this was given by the Centre's (Govt. of India's) own appointee Governor Jagmohan."²⁷

However Governor's rule was normally due to end six months after its imposition, after which fresh elections were to be held. Instead, after six months period of Governor's rule, President of India's rule was imposed in IHK under Art. 356 of the Indian Constitution on September 7, 1986, most probably with an intention to mark time; for, a suitable puppet for holding the government in IHK, couldn't be had within six months time. This sort of action by Govt. of India too was of dubious validity.

Farooq Abdullah, who was ever since his deposition, trying hard to reconcile with Govt. of India and get back his lost position, started negotiations with Prime Minister of India, Mr. Rajiv Gandhi in September 1986. Within a couple of months an understanding on formation of a coalition government in IHK was reached between the leaders of Congress-I and National Conference which was followed by an agreement on seat adjustments inter-se. Main political party of Muslims in IHK, at that time, was Muslim United Front (MUF). Daily Indian Express of March 5, 1987, in a news item with head line "J-K Muslim Front rejects accession", wrote: "The Muslim United Front (MUF)

gave a show of unprecedented strength at the Iqbal Park' (in Srinagar). MUF leaders lashed out at the Chief Minister, Dr. Farooq Abdullah and the late Sheikh Abdullah for cheating the people of the State repeatedly."

After the rapprochement between Farooq and Rajiv Gandhi was reached, farce elections were again held in IHK on 23 March 1987. Techniques of booth capturing, rigging and misuse of Police force and administrative machinery, however remained as before. Author's eye-witness of rigging and booth capturing in this election is hereby revealed. One election booth had been set up in the author's locality. Never before had the author ventured to join this sort of contrivance, for it was primarily hoodwinking the international opinion about the real happenings in IHK. In this election, some saner elements in the locality thought that their votes were otherwise also being cast by the ragtags of the ruling party in favour of their candidates. So they should first invalidate their votes and then cast them, if they don't want to join this farce election. Outside the booth under reference, the author found a number of National Conference (Ruling Party) youth apparently engaged in casting other's votes. Inside the booth one senior officer of IHK government, who had superannuated from Government service, was crying hoarse. He was jostled and turned out of the booth by the police men stationed over there. Author asked him the reason for having been so much agitated. He replied: "I don't care that my vote has been cast by some one. That is an usual affair. But the officer in charge the booth does not listen to any reason. My vote has been cast by some illiterate person who has put his thumb impression against my name in the register. How could that thumb impression be mine? I am not illiterate. I have retired as senior officer of the Government. I have all along my life signed and never affixed my thumb impression. They allege me to have affixed the thumb impression". The author found that the vote of his son who was outside the booth at that event had been cast by some one. So the author left the booth quickly lest his son also take up the quarrel and get beaten up. Outside the booth there arrived a truck carrying one advocate and many ragtags of the ruling party. They stormed the booth, captured the same and filled the ballot boxes the way they wanted. On further enquiry by the author, on the need for such an action, some people around revealed that the ruling party had come to know that the voters on this booth were invalidating their votes on a large scale. Many other similar sinical or even worse examples could be quoted on this deceitful show of democracy in IHK, but since the leaders

of India too have later admitted that the people of Kashmir have not been given any chance of a free vote, this point needs no further elucidation.

Bogus elections were however completed and candidates of National Conference and Congress-I declared successful; and their coalition government was formed in IHK. It added to the anguish and detestation of Muslim majority and resulted in to a backlash and unprecedented turmoil soon thereafter. While, however, major share of the puppet government of Farooq lay with the National Conference, Congress-I availed opportunity of being a partner in the government and started growing new feathers in Muslim majority areas of Kashmir, which was disliked both by the National Conference as well as the Muslim majority. Funds from the public exchequer were allocated complacently to the Muslim dominated regions and major component, as usual, would be spent in Hindu and Buddhist dominated regions. Regional differences in the socio-economic development and deprivation of the educated Muslim youth from jobs and admissions to Engineering and Medical colleges of both IHK and outside in India added fuel to the fire. Future of Sheikh family puppet rule in IHK therefore started showing distinct signs of approaching the end.

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CONSTITUTION MAKING in Pakistan Controlled Azad Kashmir

On 24 October 1947 parallel government of Kashmir State was established in the liberated part of Kashmir which was called as Azad (free) Kashmir Government. This government de facto established itself on Kashmir soil under straitened circumstances. In early stages of its formation an official administrative machinery was set up under a Council of Ministers headed by a President. Chief functions of this council, inter alia, included supervision and direction of Liberation Movement, till it got identified as Local Authority under Part II, clause A-3 of the UNCIP resolution of August 13, 1948; and continued to function and administer 37% population over an area of 33958 sq.miles (40% area of the State) on Pakistan side of the cease-fire Line. In due course of time the same council headed by President exercised the executive and legislative functions. The council directed the affairs through council orders and resolutions. Laws promulgated by the illegitimate rulers of Dogra dynasty in Kashmir, were reviewed. Some laws were retained while a few laws of Pakistan Government were also adopted.

"With the passage of time the conditions underwent some changes and the Rules of Business, framed from time to time, besides laying down broad principles and regulations for the functioning of the Administration, also served as a Constitution of the Liberated part. Finally this practice was replaced by enactment of Presidential Election Act 1960. Later in 1964 this Act was replaced by Azad Jammu and Kashmir Government Act 1964 which too was substituted by the Azad Jammu and Kashmir Government Act 1968. Yet again the Azad Jammu and Kashmir Government Act 1970 came in to force, which heralded the legislative assembly provision in to Azad Jammu and Kashmir affairs for the first time. But again the Interim Constitution Act 1974, enforced on August 24 that year superseded the previous Act. This latest Act has provided the parliamentary system of Government in Azad Jammu and Kashmir on the pattern evolved in Pakistan." (Annual Volume of Azad Jammu & Kashmir Laws 1948 Vol.I)

Notwithstanding consistent efforts in the direction of Constitution making, Govt. of Pakistan, without the consent of the people of Kashmir, agreed in 1972 under Simla agreement, to change the nomenclature of cease-fire Line in to Actual Control Line. By dint of that fact Azad Kashmir became Pakistan controlled Azad Kashmir (PcAK). So far as the constitutional relationship of the PcAK with Pakistan was concerned, the Constitution of Pakistan

identified it as a separate entity awaiting the final settlement of the dispute by self-determination of the people of Kashmir. But it appears paradoxical that pending settlement of the dispute, Pakistan Government later brought as large an area as 29814 sq. miles with a population of 0.73 million (1991 figures) of Gilgit and Baltistan under her direct administrative control before settlement of the issue through self-determination.

ANGUISH TO DETESTATION AND TURMOIL

Muslims of Indian-held Kashmir (IHK) were fed up with the colonial rule of India. Muslim youth revolted and huge lava of anguish among Muslims changed in to detestation against India at all levels, only when the United Nations - particularly the super powers appeared less concerned with the implementation of UN resolutions on Kashmir; when Govt. of India incessantly decided at its own, who will rule the people of Kashmir; when unemployment among educated Muslim youth in IHK grew to more than 25% when it was less than 18% in India; when their career became bleak; when Indian offices, banks, Military services, Border Road Organisation and Post and telegraph offices remained practically devoid of Muslim employees in almost all echelons; when corruption and nepotism grew to its peak; when under a planned programme of in-migration of Hindus from outside the State and issue of State Subject certificates to non-State subjects, the Indian Government's policy of changing the Muslims of IHK in to a minority continued unabated and percentage population of Muslims decreased there year after year; when Hindu dominated regions grew faster than Muslim populated regions by biased inputs; when for four long decades of Indian occupation, almost no attention was paid towards establishment of Industry in Kashmir Valley, when the conditions of Muslims and minorities in India were discerned by Kashmiri Muslims getting increasingly deplorable day by day under caste biased Indian rule; and when Hindu fundamentalists remained clad in Indian secularism.

The lava of anguish that had accumulated over years of misrule started disturbances underground and tectonic tremours initially appeared above ground in the form of bomb blasts on 31 July 1988 in Srinagar. The mirage that had been built under the cover of Indian secularism and international gangsterism in IHK over a period of 40 years was broken immediately after the results of the farce elections of 1987 were declared. Kashmir Valley in particular was rocked by the Mujahideen activity and Militancy from 1988. The remedy of the scare of the terrorism of the Indian imposed puppet regimes in IHK was found by the Muslim youth in the revolt against domination and barbarism, when for no rhyme and reason hundreds of Muslim United Front (MUF) workers were imprisoned. The Kashmiri Muslim, who had been reduced to nonentity and tethered by the incessant brunt of colonial rule, reached to a stage where he decided to throw away the cloak of cowardice and slavery by all possible means. An unprecedented new phase in the history of Kashmir ensued. Muslim youth started with sporadic bomb blasts, which in due

course of time proliferated in to an armed struggle for freedom. The situation, which had over years of repression reached to a point beyond retrieve, was further aggravated at this critical stage, by the callous behaviour of the Indian puppet Indian government in IHK, which continued to place many young men behind the bars under the infamous and ignominious law, Sheikh Abdullah had enacted viz. Public Safety Act. Hard core militants were booked under Anti-Terrorist Act.

However the agitation got established quickly and the young men working underground gained full support of the Muslim community. This movement in IHK neither emanated from the programmes of any political party or group of IHK nor from outside the State. Anguish of Muslims against the machinations and hypocritic politics and diplomacy of super powers and Govt. of India had formed huge deposits of detestation which, like gunpowder, sparked off instantaneously once it was ignited by a small but most dynamic party of 'Islamic Students League', which had been formed in 1986, by five leading members of this students party by name Shakeel Ahmad Bakshi, Ashfaq Majeed, Abdul Hamid Sheikh, Javid Ahmad Mir and Mohmad Yasin Malik. They were soon joined by Aijaz Ahmad Dar, Hilal Ahmad Beg, Mushtaq Ahmad and other valiant youth. Out of these fore runners of this movement, Aijaz Dar was first martyred in a scuffle at D.I.G's residence and Ashfaq became a martyre in March 1990 in a direct fight with Indian Security forces.

Some emigrant Kashmiri's had, by this time, started liberation movement of Kashmir in outside world and an organisation by name Jammu and Kashmir Liberation Front (JKLF) had been founded in 1966 by Maqbool Bhat and Amanullah Khan. Former had been sentenced to death by a Kashmiri Hindu Judge of IHK High Court (Nila Kanth Ganjoo) and hanged on 11th February, 1984 in Tihar Jail at Delhi. One youth leader by name Shabir Shah had however made history in IHK by having put in incessant sacrifices for the cause of self-determination. As a student, he had joined the Young Men's League, at the age of sixteen, which party, in due course of time had become 'Peoples League' in 1974, headed by Farooq Rehmani. As League's Secretary General, Shabir had gone underground since 1976 after suffering heavily in various Jails in and outside Kashmir. Youth had rallied round this party and had gained substantial strength. Shabir pioneered this historical movement underground. The Press reported him as saying: "He and his party dispute the State's accession to India and do not subscribe to the Constitution of India or of the State. They have also no faith in the fairness of elections which have become a farce

only." Further he would advocate that 'Islam does not teach seeking help from other countries in the fight of justice.' Azam Inqilabi, another youth leader had been imprisoned for two and a half years. He established a militant wing of Plebiscite front, by name 'Operation Balakot' and joined the fray underground. This way a support system was soon developed which enabled the liberation movement to move forward and the major political party Jamaati Islami under the leadership of Syed Ali Gillani, organised the peoples support and the uprising against Indian occupation was built deeper in nook and corner of Kashmir.

In order to form a united front and speak from one platform in support of the uprising for achieving self determination of the people under international auspices, 11 Kashmiri organisations, which among others included important political parties like Plebiscite Front, People's League, Jamaati Islami, Islamic Students League, Muslim Conference, Dukhtarani Millat and J&K Liberation Front, formed J&K Freedom Movement Party in March 1990. Former President of Kashmir Bar Association, a leading advocate Mian Abdul Qayum took its lead. He was harassed much and arrested.

Armed struggle of any kind, however, needed arms and military training, which necessitated training of the youth from across the cease-fire line and collection of funds locally for purchase of arms. Muslims of Kashmir Valley in particular contributed freely in this direction. Youth started moving in large numbers for acquiring training in Azad Kashmir and Afghanistan. When the first batches returned they lived on bread and water outside their homes in the open under chill cold weather and slept in pipes. "But gradually they became the darlings of the people, who opened their doors and hearts to them."¹

When the liberation movement gathered momentum, hard core activists were declared by the IHK Government as proclaimed offenders. "Their photographs were sent to every Police station of the Valley and the local news papers carried their names and photographs with a message that "if any one gives information about them, will be rewarded heavily."²

In this situation, Farooq Abdullah was on the horn of dilemma. Government of India expected any puppet ruler of IHK to crush what they, in their interest, defamed as terrorism. Farooq adopted all possible measures to crush this popular movement but he failed to restore law and order. In his confusion he started blowing hot and cold.

In one breath he said: "I have stopped playing with their emotions as my father (Sheikh Abdullah) would do, speaking in favour of accession one day and against it another day."³ In another breath on Id-day at Hazratbal Shrine on 7 May 1989, he threatened the Muslims of Kashmir that, the Police would raze their homes, ransack their houses and break open their shops and even subject the womenfolk to possible molestation if they were found assisting militancy. By Police he indirectly hinted at the Border Security force (B.S.F.) and Central Reserve police force (C.R.P.F.) of India.

On 15 August 1989 an organisation by name Allah Tigers - an offshoot of Jamaati Islami was formed inter alia with a purpose to remove, what it called, social ills from the Muslim society. This organisation launched a military drive in January 1990 and got wine shops, video shops and Cinema houses closed in all towns of Kashmir Valley and introduced stringent measures and directives to Muslim women folk that they do not move out without wearing veils. As the detestation of the Muslim population of Kashmir against India was growing apace, the puppet government in IHK succeeded in arresting the leader of the Liberation Movement Shabir Ahmad Shah on Srinagar Jammu road at Ramban on 28 September 1989. But nay! This venture did not help the puppet government. Instead it gave a fillip to militancy in IHK and the movement gathered unprecedented momentum.

Parliamentary elections in India were held in November 1989. Militants gave a call to boycott this election, which was strictly observed by the people in every nook and corner of Kashmir Valley and Muslim majority areas of Jammu Province. The puppet government in IHK adopted all possible means to involve the people in elections. Nay! That did not work. Even the staff that was posted to administer the booths remained absent. Yet it was contended that 3 to 4 percent of the so-called electorate voted. That, however, reflected the mood of Muslim population in IHK. No political Party in India got an absolute majority in these Parliamentary elections. Therefore in the situation of a hung Parliament a minority government of Janata Dal headed by V.P. Singh came in to power in India, with the outside support of Baratiya Janata Party (BJP) in December 1989. One Kashmiri Muslim by name Mufti Sayed who had been defeated in the so-called 1987 elections of IHK was taken as Home Minister of India. Shortly after he took over, his daughter was kidnapped by one militant group in IHK, who kept her under the surveillance of women's wing of their organisation with no fear of molestation. In exchange of her release they demanded release of their five commandos

whom the Farooq Government had arrested. Thorough search was made. All possible militant hideouts were combed. No clue of the kidnapped girl could be found. Negotiations with the militants through some intermediaries were made and finally Farooq Abdullah, in consultation with New Delhi, yielded and released all five militants in December that year. In return the kidnapped girl was released.

With the release of his daughter, however, the afflicted Home Minister of India could not bury the hatchet. With the intention of either throwing out Farooq Abdullah or to put his activities under a strict surveillance, he succeeded in bringing back Mr. Jagmohan as the new Governor of IHK on 19 January 1990. Jagmohan had during his first term as Governor of IHK in 1984 unceremoniously ousted Farooq Government. So coming events cast their shadow on Farooq Abdullah. Within twenty four hours of Jagmohan's assuming the charge, Farooq Abdullah resigned. Keeping in view the intensity of the people's revolution, Govt. of India lost no time in imposing Governor's rule in IHK.

Within two days of Jagmohan's taking over as Governor of IHK a unique chapter, unprecedented in history, opened. Numerous incidents of human rights violations by Security forces occurred in all Muslim majority areas of IHK. In the real sense of the word Indian Government moved a step forward from the 'Reign of Terror' to the 'Reign of Carnage' of Muslims in IHK. On 21 January 1990 the people of the Valley, in thousands, thronged to the hub of the capital city, for pressing, before the UNCIP observers office in Srinagar, their demand for quick implementation of U.N. Resolutions on Kashmir. Before the procession could reach its destination, it was diverted in the middle and indiscriminately fired at Gow Kadal by paramilitary forces killing about 200 innocent men, women and children. A report of the Committee for "Initiative on Kashmir", that was later published in Indian dailies said: "that people witnessed 'CRPF guards pumping bullets in to the injured lying on the road... In the second incident on January 22, CRPF guards again fired at rallyists, protesting against the previous day's killings. This time, again according to unofficial sources 100 people were killed... One of the injured ... has been quoted as saying that he witnessed CRPF firing on demonstration in Tankipora."⁴ Immediately therefore Jagmohan arrested top leaders and active workers of various political parties whom his government suspected contributing the turmoil in IHK against Indian occupation. The process of indiscriminate arrests of the innocent people, however continued unabated during

Jagmohan's and his successor Saxena's rule in IHK. The number of detainee mounted to about 10,000 in 1991. They were mostly placed in interrogation centres at various places in IHK and outside IHK in various States of India at Jaipur, Jodhpur. Alahabad, Nagaland, Coimbatore, Jabalpur and many other Jails.

It was in February 1990 that Kashmiri Hindus in Srinagar were persuaded by the Jagmohan Government to leave Kashmir Valley and encamp in Hindu dominated districts of Jammu and Udhampur. Hindus living in villages, however, emigrated mostly because of the scare that was caused due to the exodus of their co-religionists of Srinagar. They were provided transport and given free shelter, free rations and pay dues that they would otherwise draw in various offices in Kashmir Valley as employees of IHK Government. That was all done on the pretext that they had fled from the Valley and had the refugee status.

Muslims of the Valley smelt a rat in the emigration process of Kashmiri Hindus; that Govt. of India had a plan to commit the carnage of Muslims of the Valley in a big way. In fact that came out to be true. An uproar and tumult in all parts of Kashmir Valley was going on. Contingents of Indian security forces were poured in the Valley in tens of thousands to control the situation. Schools, colleges, cinema halls, evacuated houses of Kashmiri Hindus and some hotel buildings were taken over by the IHK Government to use the same as military barracks. Most of the buildings were set on fire. Whereas the burning of school and college buildings was attributed by the Government and Militant groups inter-se, the public buildings could be the targets of militants only. Burning of educational institutions, however, gave a serious set back to education of school going children of the Muslim community in particular.

Historical demonstrations of detestation against Indian occupation were held in mosques, streets and public places. Inarticulate cries against Indian Government's terrorism would come from mosques during nights. Dozens of processions from all parts of Srinagar and surrounding areas marched to the headquarters of UNCIP Military Observers Group's office at Srinagar on 22 and 23 February 1990 and handed over to its Chief Commander memoranda demanding quick implementation of U.N. Resolutions on Kashmir. Advocates, various parties of militants, Doctors, Government employees and people from all walks of life - men women and children joined these processions. To an independent observer, the strength of these processions conveyed the magnitude of detestation and condemnation that the Muslim majority had against

Indian occupation of Kashmir.

While the tumult continued unabated and spread in all parts of Kashmir Valley and Muslim populated areas of Jammu Province, Governor Jagmohan again ventured to crush it with a heavy hand. "On March 1 (1990) paramilitary personnel opened fire on millions of people at the Tengpora - Bemina Bye-pass, Shalina and at the Zakura Crossing, again killing (more than seventy) and injuring several people... On March 7, the CRPF raided houses in Chanpora, raping, molesting and looting indiscriminately."⁵ "Hardly one month after the Bye-pass and Zakura incidents, the down town area at Fateh Kadal witnessed heavy and inhuman brutality of Security forces where 30 people died on the spot. Among the killed was a woman and her 6 day old child in her lap who was later on discovered with a bullet mark in his chest."⁶ It was after such recurring incidents, one of the leading militant groups 'Hizbul Mujahideen', through the daily Alsafa of 14 April 1990, warned the left over Kashmiri Hindus that they leave the Kashmir Valley because they always helped India in keeping her illegal, illegitimate and immoral hold over IHK.

No where in any colony of the world must have any colonial power resorted to such brutal and inhuman measures as were taken by India in IHK from 1989 to 1992, Indian installed puppet governments of the past normally imposed curfew in riot torn areas of IHK with the purposes of (a) to suppress the anti-Indian element; (b) to curb violence; and (c) to ensure continuance of puppet rule. Duration of curfew would however remain for a day or two at a stretch. Against that Governor Jagmohan made a history in 1990. He took over on 20 January 1990; the carnage and record curfew started on the next day; most probably with the objective of reducing the Muslim population in IHK, ruin their economy and bring them to knees or to a position where they would accept to live under subjugation and enslavement. Indian Governor Jagmohan ruled IHK for 123 days in 1990 (from January 20 to May 22). During this short period he imposed curfew for 74 days and witnessed civil curfews and protest strikes of business centres, offices and transport for 18 more days; which inter-alia meant that work days during his 123 days rule in 1990 numbered 31 only. Month wise data of Jagmohan's rule is given as under:

Month	Curfew Days	Civil Curfew	Protest Strikes	Total Days	Work Days
Jan 20-31 11	-	-	-	11	1

Feb	8	-	8	16	12
Mar	22	-	1	23	8
Apr	23	-	-	23	7
May	1-22 10	4	5	19	3
Total	74	4	14	92	31

"During that period not even the seriously ill, women in labor (500 births a day), the starving who had run out of food - no one was allowed to leave the house. Only the dead and a few mourners were allowed out. Yet the Kashmiris say 'We are thankful to Jagmohan; he toughened us and united us in hardship and suffering and he fully revealed the ugly face of Indian government.'"

For first four months of 1990, during Jagmohan's rule, it became impossible for the people of Kashmir Valley to buy food stuffs and essential commodities, because all markets and business centres were closed on account of frequently applied curfews. Rations could very hardly be had from Government depots. Political parties as well as militants gave a call to the people that they rise to the occasion in the spirit of their Muslim brotherhood and distribute their surplus foodstuffs inter-se and grow vegetables in court yards and open patches all over in order to meet the shortages caused due to stoppage of their imports from outside. When Jagmohan imposed curfew for 13 days from 7 to 19 April (round the clock) at a stretch, he was faced with the reaction from various sources for that kind of tyranny. In order to hoodwink the outside world and outwardly pacify the Human Rights Unit working in India, Jagmohan showed a gesture in February and March 1990 and intermittently gave relaxation of 2 hours each at odd times of early dawn and late evenings, when otherwise also people would not move out of their houses in chill cold weather of winter season. Considering the odd hour relaxations of curfew as redundant for the people, and an eye wash, round the clock curfew in Kashmir Valley in fact remained clamped for almost two months at a stretch during Jagmohan's rule - "a record in the world"

During curfew hours people were not even permitted to offer prayers in mosques. The pattern of relaxation hours in curfew was changed on 28 March 1990. Movement was, as before, allowed at odd hours. Relaxation periods were however increased to 3 hours from early dawn (5 A.M. to 8 A.M.) and 4 hours late in the evening (6 P.M. to 10 P.M.). Night curfew was not relaxed in Kashmir Valley during 1990 and continued till the author gave finishing touches to this book in 1992. What a callosal derogatory

impact on already ailing economy; what a miserable plight and agony and how many starvation deaths of the poor Muslim population of Kashmir Valley must have taken place; and what a torture and lamentation of the sick - particularly of the pregnant women, this brutal measure must have brought - a free man can well understand. "The policy was deliberately pursued by Jagmohan to hasten the death of as many innocent people as possible on account of economic strangulation."⁸ The records of a leading hospital showed the intake of 22992 patients between December '88 to June '89. But from December 1989, the month when imposition of long period curfews started, to May 1990 when Jagmohan was replaced, the intake was only 8661. That meant 14000 couldn't go to the hospital because of curfew.

All acts of omission and commission that were committed by the Indian imposed governors in IHK during 1990s, if brought on record would blow up the volume of this book. Therefore it needs to be understood that the violations of human rights recorded in this book are only a handful out of a heap. Yet the world communities (Iran and Pakistan excepted) at that event showed only lip service with no serious concern about the gross violations of human rights by Govt. of India in IHK. Lofty claims of super powers and that of the United Nations and its redundant branch Human Rights Commission that they were the guardians of Peace and Human rights of all peoples in the world were much exposed vis-a-vis their prompt response in getting the U.N. resolution implemented by Iraq in respect of Kuwait in 1991, keeping the U.N. Resolutions of Palestine and Kashmir in Cold Storage.

Some concern was however shown by Mr. Tarkunde, the Advisor to 'Peoples Union for Civil liberties, New Delhi.' He wrote on April 3, 1990: "The fact is that the entire Muslim population of Kashmir Valley is wholly alienated from India, and due to the highly repressive policy pursued by the Administration in recent months, their alienation has now turned in to bitterness, anger and hatred. It would be very difficult to find a Muslim resident of the Kashmir Valley who does not passionately desire complete independence from India'... Rightly or wrongly the militants have become heroes of the Kashmir Muslims and the people have no reason to be afraid of them. The almost continuous curfew has been imposed to prevent the people from coming together for organising processions and demonstrations and also possibly to tame their hostile spirit. The people bitterly resent the curfew and look upon it as a method of keeping them in effective house arrest... The havoc caused by the excesses of the para-military forces should not be

underestimated as Mr. Jagmohan has done. During the two days we passed in Srinagar, many entirely innocent persons were killed, maimed or brutally beaten up by the para-military personnel."⁹

Militants sharply reacted to this State Terrorism and unprecedented Carnage. They killed the Station Director of Srinagar Television Centre, four officers each of I.A.F. and Intelligence Bureau and one communication engineer. In April 1990 the Vice Chancellor of Kashmir University and his private secretary and general manager of Hindustan Machine Tools factory at Srinagar were kidnapped, kept hostage and later killed when the Governor Jagmohan turned deaf ear to the demands of the militants for release of their comrades.

In April that year heavy mob violence also erupted in Muslim majority district of Baderwah in Jammu Province; where too Jagmohan administration applied heavy hand and unleashed his reign of terror over Muslims and killed many an innocent people, made night long raids in Muslim populated settlements and arrested large number of Muslims.

Implementation of the Carnage Plan of Muslims of IHK continued relentlessly. On 21 May another incident, one among many others, compatible with the behaviour of a savage colonial power occurred in IHK, at the harsh hands of Governor Jagmohan. President of the Peoples Action Committee Moulvi Farooq was shot at his residence by some unknown assailants. People immediately understood that this was a machination well calculated by the Govt. to cause rift between the militancy, people and the politics. Government of IHK announced that the Moulvi was shot by militants. Moulvi was however rushed to the Soura Medical Institute, where he breathed his last. Thousands of his followers rushed to the Hospital and funeral procession ensued, which had to cover about 3 miles distance to reach the ancestral grave yard of Moulvi at Malkhah. Thousands of men, women and children poured from all parts of Srinagar and other parts of the Valley and joined the funeral procession. Slogans against India were incessantly shouted by the people. Main slogan that rent the air was "Who Killed the Moulvi?" the crowd replied "Jagmohan". The procession, as it moved along the highway, multiplied from strength to strength. Indian para-military forces stopped the funeral procession at Hawal and tried to snatch Moulvi's Coffin. When the people vehemently resisted, para-military forces instantly and indiscriminately opened machine gun fire, killed 57 innocent people and wounded more than two hundred. These included men, women and the children. People ran

halter-skelter and the corpse of Moulvi fell on the ground, which too was shot at by Indian security forces. Such wild, savage and dastardly killings of the innocent people were condemned by Muslim countries, China, U.S.A. and various leaders of India as well. Yet there was no let out in the carnage of Muslims of IHK.

Besides the above said major incidents during Jagmohan's rule Indian Security forces freely fired at the innocent people on numerous occasions on frivolous and baseless pretexts. About 1000 persons were killed during his period. Further during combing operations and house to house searches, the Central Reserve Police force ransacked the houses and took away cash, jewellery, valuables and golden ornaments; molested young women and tortured the male members on many pretexts, with a definite purpose that atmosphere of fear and terror was built in the minds of the people.

However on the incident of firing on funeral procession of Moulvi Farooq, Indian Government, as a face saving measure, replaced Jagmohan on 23 May 1990 by Girish Chander Saxena - Director of the Indian Intelligence Agency Research and Analysis Wing (RAW), who proved astute and consistent in killing the people at much higher rate and intensity than his predecessor. This was therefore a fabian change to wear out the bad image that the firing on the funeral procession had produced in the outside world. Soon the dust settled, down town area at Kharadoori in Srinagar was put ablaze by some unknown source at night on first July. Local Fire brigade was interrupted by CRPF personnel which delayed their operation and resulted in gutting seventeen buildings completely.

Indian installed Governor Saxena applied his professional mind on the situation, took stock of things for about one month's period and arrived at a decision that vulnerable parts of IHK be first declared as disturbed, so that he could have a free hand in curbing the peoples rebellion or revolution in IHK systematically. Therefore the Kashmir Valley and 20 Kilo-metre belt of Poonch and Rajouri were declared as Disturbed Areas on 5 July 1990. That meant vesting all powers of law and order in Indian army, para-military personnel and other security and police forces, who could freely fire at their will and pleasure, set fire to human settlements, harass, disgrace and dishonour people, molest women folk, ransack houses and do all on the pretext of curbing, what Indian Government maliciously termed as, terrorist activities. Terrorist and Disruptive Activities Act (TADA) was promulgated. "The Act gave free license to a constable of

the so-called security forces to shoot a person and even destroy the house or business establishment at his whim."¹⁰ By this astute and tyrant measure, thousands of Muslims living in the border areas of 20 K.M. belt were forced to leave IHK and find shelter across cease-fire line in Pakistan Controlled Azad Kashmir (PcAK).

With the free license to shoot under the provisions of TADA, there were incessant incidents of cross firing and combing operations. In Los Angeles Times, Mr. G.H.Jansen wrote: "In a sprawling, congested and slum filled area of the town a couple of militants emerge from a narrow alley and snipe at a passing patrol, then dive back in to cover. The patrol whistles up reinforcement, finds no one when it arrives and in frustration roams the locality, killing civilians of all ages. This is called "killing in Cross-fire". Or a combing operation is mounted with house to house searches. It has been estimated that three out of every 10 houses searched are trashed. There are random arrests, followed by torture. I have seen gruesome color photographs of torture victims."¹¹ In one such incident, however, on 7 July 1990 at Nowhatta in Srinagar when some army men were killed allegedly by militants; people residing there were dragged out and kept in scorching sun in the open. They were beaten and forced to board two trucks. With their eyes covered, the innocent people were taken for interrogation. They were chastised and maimed for no fault of theirs and released. "Each day brought in its wake murders and arson, curfews and crackdowns, illegal raids and searches, unlawful arrests and detention, interrogations and tortures, molestation and rape of women, harassment and humiliation, causing untold misery. The average toll of killing claimed by Indian Security forces was no less than 15 lives per day."¹²

Besides the above said incidents, the year 1990 witnessed gruesome tragedies of mass killings of men, women and children at Alam Gari Bazar, Tengpora Bye-pass and Lal Chowk in Srinagar; at Islamabad, Baramulla, Fazipora and Kalaroose in Kupwara; in Pattan on Srinagar Baramulla road, at Thenu (Kangan) and Bhadarwah (Jammu). Apart from loot, humiliation and incessant killing of the innocent people, large scale destruction of property at the hands of military and para-military forces was witnessed in the nook and corner of Kashmir Valley, which included shopping complex and transport yard in the hub of activity area in Sopore town in June; Chak Kawoosa, Adina, Wattagam and Iqbal Market of Sopore Town in July; Fazipora and Putshai (Kupwara) and Sri Gupwara (Islamabad) in August; Arampora (Sopore) in September; Qawadara and Noorbagh in Srinagar, Handwara town, Sangrama, Chanakhan (Sopore), Down town in Sopore and

Islamabad in October; and Bijbehara (Islamabad) in November 1990. "In these incidents alone thousands of houses and commercial establishments were reduced to ashes and hundreds of thousands of people were rendered destitute and homeless."¹³

Further in the year 1990 molestation and rape incidents occurred frequently. These included places like Chanapora (Srinagar) in March; Sopore on 25/26 June; Islamabad (Gang rape case of bride and bride maid) and Wadwan on 26/27 June; and Panzipora on 10/11 August 1990. Worst sort of behaviour was exhibited by the Security forces in dealing with the youth. They were lifted from any place they found them - roads, streets, play fields, mosques, shops and their homes. Some were killed and some rendered impotent. A large number of youth were crippled and maimed during interrogation. In his article published in Weekly Submission of July 23-31, 1990 Justice Mufti Bahauodin wrote: Many have perished in interrogation centres whose bodies are disposed of without informing their kin. These excesses of the Indian military and para-military forces make one forget the cruelties of the Mihar-Kula of Eastern history." A noted Indian Journalist in his article published in the above said issue of Weekly wrote: "The brutal inhuman atrocities committed in villages such as Wattagam, Adina near Magam, in Sopore and Baramullah and prior to that on 6th and 8th July in Pampore, Pinglina and the adjoining villages and Pulwama proper can neither be described nor condemned in words... The Security forces instead of providing security to innocent people are resorting to large scale arson, loot, wholesale destruction of villages, even burning the injured still alive, mass humiliations of women, making human beings drink dirty water, (lick faecal matter) and what not. Scores of young men have been forcibly lifted away and their family members are feeling agonized regarding their whereabouts... The Government in its wisdom or lack of it has been alleging that militants have been destroying the villages which have been their hideouts. How on earth can militants ever resort to devastation of their own hideouts, if they be so, or torture their own people? The Government through its self contradictory and absurd statement cannot justify its brutalities against the people. Let Saxena, his advisors and above all the most rootless Home Minister Mufti Mohmad Sayed see the writing on the wall. The people of Kashmir are solidly determined than ever before and they can never be subjugated in to submission. They are participating in a well organised movement. They will fight their fundamental, social, economic, political and human rights till they succeed."

Muslims in IHK were convinced as before that Jagmohan and Saxena or for that matter a puppet local government imposed by Govt. of India were equally bad for them and birds of the same feather, as they all had strings with Delhi and acted in accordance with the directives of Govt. of India. The difference between one ruler and another lay in their methods and tact of application of India's Policy Plans in IHK. While Jagmohan had no special experience in organising 'Carnage' his activities got exposed quickly; Saxena, on the other hand adopted a well knit pogrom and killed Muslims on a large scale at a much heavier rate than his predecessor with complete reticence. During the whole year of 1990 terror stricken people in the worst affected areas preferred to remain indoors. People spent restless nights and remained awake to thwart any attempt of Indian Security forces to put their residences or work places ablaze. Every Kashmiri Muslim was suspected militant in the eyes of Security forces. Passengers both men and women moving in public or private transport were thoroughly searched on all transport routes. Youth in particular were much questioned and harassed. Even grave yards, places of worship and holy books were desecrated.

Muslim employees of IHK government had earlier formed a Coordination Committee to raise their voice against atrocities, which were incessantly being committed by Indian Security forces. In June 1990 some 137 senior Muslim officers voiced their concern in a letter addressed to the citizens of the world, drawing their attention to the gross human rights violations being committed by Indian Security forces in IHK. By September that year more than 1000 senior officers had signed that letter. On July 23, 1990, Coordination Committee gave a call to Government employees that they remain on strike for three days. The call was strictly observed. In order to discourage repetition of such an activity by the Government employees, Saxena Government ordered deduction of three days salary of striking employees.

Prolonged negotiations between the Saxena government and the Coordination Committee couldn't help stop atrocities. Therefore the Coordination Committee once again gave a call to Government employees to remain on strike for 5 days from 3rd September 1990. Again the Government of IHK ordered deduction of 5 days salary of striking employees. When Saxena understood that overall control over the employees of the government was going out of gear, he dismissed five top executive members of the Coordination Committee under Article 311 of the Indian Constitution and under Section 126 of the so-called State Constitution. They were alleged to be having links with the

underground militant outfits. They were given no chance to be heard. Intentions of Governor Saxena were thus exposed when he dealt firmly with those who raised their voice against the atrocities that were being committed by the Indian Security forces in IHK.

However as the news of dismissal of members of the Coordination Committee spread, all the work in Government offices, Banks, Hospitals, Local bodies and Corporations of all sorts voluntarily came to a stand still; and all the employees went on an indefinite strike from 15th September 1990, as a protest against Saxena's unilateral and dictatorial order of dismissal of the members of the Coordination Committee. Simultaneously all the employees working in Indian Government offices, State Bank of India and Post and Telegraph offices in Kashmir Valley stopped attending their duty.

As all the employees remained on indefinite strike and there appeared no signs of yielding of the Saxena government or the employees, matters worsened. Life became miserable for the already suppressed people of the Kashmir Valley. Government controlled depots of rations and firewood remained closed. Commercial activities in the Valley came to a halt on account of non-functioning of Banks. Trunk Roads, streets and lanes became heavily littered in all urban areas of the Valley. Dead and decomposed bodies of animals lay on streets and open fields. Postal services were stopped. Low lying areas in Srinagar city were flooded with drainage and rain water, as no pumps could be operated. Hospitals and dispensaries remained closed; and many other problems ensued in Kashmir Valley.

Unmindful of the plight of millions of Muslim population of Kashmir Valley under atrocities and grinding tyranny, Saxena's government did not yield to the demands of Government employees. His callousness prevailed with increasing intensity with the persistence of indefinite strike of employees.

It was at this juncture that Muslim Youth came to the forefront and organised Relief Organisations and blood donation camps. Relief Organisations arranged the purchase and transport of foodstuffs from various parts of IHK and Punjab under very heavy odds, constraints and risk of their lives. Had the Muslim Youth not risen to the occasion on war footing, a large section of Muslim population of Kashmir Valley would have perished due to starvation.

V.P.Singh's government in India was heavily confronted

mainly with two major problems; (a) Implementation of Mandal Commission Report pertaining to reservation of jobs to minorities. Since the administration of Govt. of India was heavily dominated by upper caste Hindus, an agitation against Mandal Commission Report ensued and assumed alarming proportions in various parts of India. Many a youth of the upper castes burnt themselves alive and pushed this report in to cold storage; and (b) Agitation for construction of a temple at the mosque site at Babri Masjid in Ayodia. This dispute took a dramatic turn when (B.J.P) Bhartia Janata Party, under the leadership of Lal Kishen Advani organised a Rath Yatra (Pilgrimage on a four-wheeled carriage) to Ayodia in Uttar Pradesh. It started from Madras, moved across that country via Bombay and Delhi for about two months, gathered response of Hindus from all parts en-route and entered U.P with lacs of B.J.P. workers and other Hindu pilgrims. Muslims of India and other parts of the world showed serious concern over the projected move of B.J.P that it wanted to demolish the Babri Masjid and build a temple over there. U.P. government under the directive from V.P.Singh's government in Delhi intervened and arrested the leading members of B.J.P. as well as its leader Mr. Advani. That set in an anguish in B.J.P. circles against V.P.Singh's government. B.J.P. therefore withdrew its support that it had lent to the minority government of Janata Dal in India, which therefore came to an end in November 1990 in consequence. A splinter group of Janata Dal led by Chandra Shekher (another minority government) came in to power in India with the outward support of Congress-I.

On a tacit directive from Congress-I, rigid attitude of Saxena was little relaxed. At the directive of Govt. of India Saxena re-instated the top leaders of the Coordination Committee, whom he had dismissed without being heard and agreed to pay in full all the salary of the striking employees, numbering more than one lac, for the whole period of 73 days strike, which had started on 15 September and ended on 26 November 1990 - a record of partial paralysis of administrative machinery in the history of Kashmir.

Government of India, during Chander Shekher's premiership of a very short period of few months did not, however, impede in any way Governor Saxena in IHK from using brutal methods of oppression over the Muslim population of Kashmir. Instead yet another method was adopted by Saxena's government to coerce the people. On 23/24 february 1991 night Indian Security forces resorted to ravishing and rape of the women folk on a mass scale at Kunan - Poshpora in Kupwara district of Kashmir Valley.

This incident evoked concern in many countries who condemned it, and demanded that Indian government should permit International Amnesty to visit Kashmir. Govt. of India through their Governor Saxena, as usual tried to divert the attention of the democratic world and brushed this incident aside by appointing an enquiry commission. This enquiry commission was one among many, Saxena had appointed in respect of other major incidents of killing of innocent men, women and children, of loot, burning and plunder of human settlements and markets. Those commissions had, in due course of time, been pushed in to oblivion. People of the Valley knew all the tactics of the colonial power. Lest this case too would go in to oblivion, People's Enquiry Commission under the chairmanship of the head of the Basic Rights Committee (a retired Chief Justice of IHK High Court) was appointed, which made a thorough investigation and lodged a case against the Security forces in the High Court of IHK.

While, however, the War of Liberation between the people of Indian-held Kashmir and Indian Security forces continued unabated, cross firing, bomb blasts, human losses on both sides, crack downs, combing operations, forced driving of innocent people from their houses and herding them in the open areas in cold and hot seasons, harassment and victimization at all places, checking passengers on all routes, and arrests of the Muslim youth became a daily affair; and fort like bunkers grew along roads, intersections, and streets pointing machine guns at every nook.

As a part of comprehensive strategy against this freedom movement, Govt. of India, on one hand, prevented the entry of Human Rights Organisations, Amnesty International, correspondents of the foreign Press and delegation of the World Islamic Conference in to IHK, on the other hand Saxena's government in IHK devised means and ways to harass and victimize the local news men in numerous ways such as seizure and/or sealing of their printing presses and offices, intermittent searches, manhandling of field staff, threats to editors etc. One editor by name Mohamad Shaban Vakil, who had, at great risk ventured to spearhead this freedom movement through his local daily Alsafa, was also shot in his office on 23 April 1991 by some unknown assailants. His death was deeply mourned by the people and all the business centres and transport remained closed on the next day.

As the snow started melting on the mountains in spring season of 1991, youth that had gone across the cease-fire/actual control line to Pakistan controlled Azad Kashmir (PcAK) for military training, started returning

to the Valley in groups. On 6th May 1991, about 100 boys were killed in Kupwara Sector along the 5 Kilo-meter belt of cease-fire line by Indian forces. This set in a panic in the minds of those whose young kith and kin had gone across the line for receiving military training. They approached the Basic Rights Committee, which in turn fought this case in the High Court and got an order passed that dead bodies of those boys be placed at Police Control Room in Srinagar for identification. Nay! The order was not carried out. Dead bodies of the youth killed were disposed off, the way Indian forces liked.

Then another inhuman incident took place on 7th and 8th May that year. At Khajayarbal, Malakhah and Dachigam in Srinagar some militants and several civilians got killed in cross firing and some children drowned in the Dal Lake. While the coffins of some killed persons were being carried by the people to the graveyard at Khanyar on 8th May, Indian Security forces fired at the funeral procession indiscriminately. 19 innocent persons - men, women and children, were killed and 59 injured - most of them seriously. As a face saving measure, Saxena's government in IHK suspended three B.S.F. policemen and ordered appointment of yet another Commission of Enquiry. It was as usual a means to place the State terrorism under cover when it got much exposed.

In May 1991, there developed a crisis in Indian Parliament, when Congress-I and the ruling splinter group of Janata Dal under Chander Shekher's leadership differed with each other's policies. The President of India declared holding fresh elections in India in May 1991. Law and order situation in Punjab and Assam States of India were not congenial for elections. Still these two States were included in the election programme, though a number of candidates who opted to stand for membership of the Indian Parliament in Punjab got killed by the revolutionaries there. It was IHK alone where Indian government did not venture to hold Parliamentary elections for various reasons. People of Kashmir Valley had boycotted the Parliamentary elections of November 1989 and the Muslims of IHK were engaged in war of liberation with Indian forces. During these elections, however, Rajiv Gandhi - the leader of Congress-I was killed by a bomb blast on 21 May 1991, while campaigning for his party at Madras. So the elections in remaining parts of India were little delayed till June 1991.

In IHK, however, two border security policemen got killed on 11 June that year in a clash with militants at Zainakadal in the down town area of Srinagar. On hearing the news of killing of their men, the Indian security

forces lost control and went on a killing spree of innocent people in areas away from that incident spot. They killed shop keepers and passers-by indiscriminately at Chota Bazar and Zaldagar and entered a workshop near H.M.H.S. Hospital and killed men who were at work there. As a result 32 innocent people were killed and 17 wounded. On the same day again six militants were also killed by Security forces at Kupwara in a clash with security forces. That was, of course happening there day and night along 20 K.M. belt of cease-fire line imposed by United Nations. Again a Commission of Enquiry was, as usual, appointed by Saxena's government to enquire in the Chota Bazar killings - a false facade to cover the guilt. Delusion, fraud and State terrorism continued in IHK; though in keeping with its double standard, India continued to propagate in the outside world that its security forces were engaged in crushing the terrorist activity caused in IHK by Pakistan's making, which was certainly untrue and misleading. Muslims of the Valley again engaged the People's Basic Rights Committee in a vane hope that some justice may still be available to them at the hands of the alien government of India, but nothing happened.

Elections in India were, however, resumed in June 1991, when as a result of assassination of Rajiv Gandhi his party Congress-I won large number of seats in the Indian Parliament but failed to get the majority. Again a Hung Parliament was formed there; and Congress-I with an outward support of some other small parties, gained access to the government in India and Mr. Narsima Rao became the Prime Minister. In order to keep this minority government in power he formed his cabinet with 57 ministers on his Council on 21 June 1991. While, however, the new government was busy taking oath in New Delhi, Indian Security forces were on a killing spree of innocent people at Awantipora in Kashmir Valley, where 5 persons were killed and one dozen wounded.

As no country in the free world cried halt to the incessant atrocities of Indian security forces in IHK, one militant group by name Ikhwanul Muslimeen was pushed to the wall and compelled to take alternative measures to make India feel that she had chosen a wrong course. They kidnapped Mr. Duraiswamy, one Executive Director of Indian oil Corporation on 28 June that year and demanded release of 5 top militants of their group. Saxena adopted all his talent to resist their demand and unleashed terror in various parts of Kashmir in search of Duraiswamy, but mainly due to the people's support to the militancy in IHK, he failed to get any clue. The writ of militants thus ran in Kashmir Valley and yet India would

cry hoarse in the outside world that all this was Pakistan's making.

On the Indian Independence day (i.e. 15 August 1991), as in the past, 'Civil Curfew' and a 'Black Day' was observed in IHK. Indian tricolour flags were burnt by the people at various places in Kashmir Valley. In order to assert that India still held Kashmir, Indian security forces hoisted Indian flag at some places. In Sopore town, the flag hoisted by security forces was pulled down and burnt by the militants. They also killed a number of security men. That brought the Indian security forces to ecstasy and they dragged innocent people out of their houses, and killed them mercilessly. People working in the fields were killed. Some people fleeing from the town crossed river Jhelum in a boat. They too were fired at by the Security forces. As a result more than 30 innocent people got killed and more than 20 seriously wounded on that independence day of India in IHK. Among the killed there were an old man, six women and one four year child. Yet Mr. Saxena and Indian news media claimed that their security forces killed what they called Pakistan trained terrorists. That was the way of distortion and concoction of facts usually adopted by India ever since its occupation of Kashmir. Frequency of clashes between the militants and Indian security forces, from this time onwards, however, took a fillip, for the Prime Minister of India declared on 15 August 1991 that his government would continue the policy of curbing militancy.

On the other hand, there grew heavy pressure on Indian government at home for the release of Duraiswamy who had been kidnapped one and a half months back. Ikhwanul Muslimeen showed a high degree of resilience and deferred any drastic action of killing the hostage. When all the efforts of search failed, Governor Saxena succumbed to the demands of the militants and released the commandos of Ikhwanul Muslimeen against the release of Duraiswamy on 20 August.

President of India, then desired to visit IHK probably to assess the deteriorating situation over there. Two days before his visit, militants first hijacked two bullet proof cars on way to Ladakh for the President's visit to that strategic area. Next day they mounted their attacks on Indian security forces and transformed major parts of Srinagar and other towns of the Valley in to major battle fields. They also gave a call to hold protest strike in Srinagar and other towns of the Valley, which was strictly observed for three days from 23 to 25 August, the President of India stayed on Kashmir soil mostly in Ladakh. Soon he returned to New Delhi, clashes between

the armies of Pakistan and India started in the 5 K.M. belt of cease-fire line in Poonch sector and continued for about a week, resulting in the death of military as well as dozens of innocent Muslims of Kashmir in that area.

On 2nd September 1991 again a major incident took place. Indian security forces again fell avidly upon the innocent Muslim population of Letur, Safa nager (Shopian), Aglar and Nelora in Kulgam district in Kashmir Valley. Two militants and more than 23 innocent people were killed and 250 injured - some of them seriously. In Bandipora 23 villagers were again killed and 34 wounded. These included, as usual, men, women and children. Hundreds were arrested. In accordance with the carnage plan of Muslims of Kashmir, fifteen Muslims of IHK on an average got killed daily from September 1991 onwards in different parts of IHK at the hands of paramilitary and security forces of India and the total number of those killed, according to one estimate, rose to more than 7000 and those arrested to more than 32000 by March 1992. Severe thrust of this carnage was, however, discernable mostly along the cease-fire line of Kashmir imposed by the Super Powers and their allies in their own interest through United Nations in 1948.

In December 1991, Bharatiya Janata Party leader of India Murli Manohar Joshi started a trek from South India, which he named as 'pilgrimage for unity of India'. When he entered Jammu with thousands of his supporters in January 1992, militant groups threatened him not to move further towards Kashmir valley. Mr. Joshi declared that he would end his trek in Srinagar and hoist Indian flag there on Indian Republic day - 26 January. Security officers met in Srinagar on 24 January to discuss security arrangements for Joshi's trek from Jammu to Srinagar. A bomb was detonated there by rebels and 5 top security officers were seriously injured. Inability of the security forces to protect Joshi and his thousands of supporters, made them falsely declare that Jammu Srinagar road was blocked. The procession therefore remained stopped in Jammu. Mr. Joshi then insisted that he and leading members of his party be flown to Srinagar. "The army and police imposed an around-the-clock curfew for ...two days on towns and villages throughout the (Kashmir) valley."¹⁴ During the 25/26 January night paramilitary forces erected a pole on a low dias at Lal Chowk (Square) in Srinagar. 'Mr. Joshi and a small contingent of his closest supporters' were then flown from Jammu on the same night and carried to Lal Chowk under very tight security in morning hours. "Mr. Joshi's supporters stepped gingerly from the buses, uneasily eyeing the huge

military presence. Four white sedans sped into the square, and Mr. Joshi ... hurried toward the flagpole. He began waving Indian flag which he tried to mount on a collapsible flag pole that a supporter supplied. But as followers pushed to get close, the pole broke in several places and the flag tumbled down onto Mr. Joshi... Moments later, Mr. Joshi was hustled back in his car and rushed to the air force helicopter that was to carry him home. He was in Lal Chowk for exactly 11 minutes."¹⁵ At this flag-hoisting ceremony the total gathering was about 70 persons. These included supporters of Mr. Joshi, journalists and some security officers. There were rumours that Indian flag was burnt in some parts of Kashmir valley on that day. "All day ... weapon fire was heard throughout Srinagar. There were reports that at least 20 people were killed by late evening, including 3 members of the security forces."¹⁶ This incident was an eye opener to the leaders and intelligentsia of India in particular that even the hoisting of Indian flag in public places in Muslim majority areas of Kashmir had become a problem for the Indian government.

To counter-act Joshi's action, Mr. Ammanullah Khan, the leader of Liberation Front organised people's march in February from Pakistan controlled Azad Kashmir to Indian-held Kashmir. But the Pakistan government arrested Ammanullah and stopped that procession from crossing the cease-fire line in Kashmir; probably with an idea as not to escalate tension with India. Ammanullah was, however, released soon. He declared to launch such action again in the near future.

Indian installed Governor of IHK, Mr. Saxena utilized all his talent and experience that he had gained in the Indian Intelligence Agency - RAW, to bring about a break through in the situation. Various methods were employed by him which, inter alia, included: (a) No let up to be given in suppressing the Liberation Movement by force; (b) Creation of a rift among Muslims favouring accession of Kashmir to Pakistan and those favouring independent Kashmir; (c) Creation of a rift in the rank and file of militant groups; and (d) Corruption of the people and militants by all possible means. Fake militants were pushed in the field, who clandestinely operated within and outside militant groups and acted derogatory to the Liberation movement.

Militant groups tried to face such machinations with some success. Some minor bickering, however, did come to the surface between militant groups inter-se in 1991. But they were not so severe as to cause any major problem in their programmes and policies against Indian Government.

Yet again clashes between some militant groups occurred in IHK, soon after Ammanullah's attempt to cross cease-fire line was foiled by the Pakistan government in February 1992. That indicated that the uprising was either heading for a turn or getting mixed up to the misleading satisfaction of government of India. However till March 1992, all the militant groups in IHK had no two different opinions on their main goal - 'To free the State from Indian rule'. Conditions in IHK remained appalling. On one side India continued to retain its hold over Kashmir and silence the demand of Muslims for their self-determination, on the other side Turmoil in IHK continued unabated.

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OPINIONS EVALUATED

There were more than one hundred militant groups engaged in the Jihad (Holy war) of 1990s in IHK (Indian-held Kashmir). A few of these groups were believed by the people to be part of Indian contrivance to create fissures and animosity within militancy. Indian information media was all geared up, to hoodwink the outside world that there was a separatist movement going on in IHK as that of Punjab; and the same was fomented by Pakistan. Within the IHK, Govt. of India embarked upon the genocide of Muslims in a big way, and its information media kept up a propaganda in the direction of creating a rift among the Muslim population as between the pro-Pakistan militant groups and those who desired the State to be independent. Out of the large number of militant groups, however, there were only about a dozen or so, who were consistently engaged in the battle field primarily against Indian occupation of Kashmir. To name them alphabetically these included: Albarq, Allah Tigers, Al-Omar, Hizbul Mujahideen (two groups), Ikhwanul Muslimeen, Janbaz Force, JKLF (Jammu Kashmir Liberation Front), Students Liberation Front and Operation Balakote.

All these groups were united in eliminating Indian rule from Kashmir; but they differed in respect of future status of Kashmir. Some groups insisted on self-determination of the people of Kashmir through U.N. resolutions, while others believed that since India has been all along reluctant to implement U.N. resolutions, a practical and viable solution of the problem might be found in Independent Kashmir. The leading pro-Pakistan militant group Hizbul Mujahideen held that: "The last four decades of Kashmir dispute culminated in to armed struggle three years back, which can be termed as the logical corollary of Indian occupation and ruthless suppression of Kashmiris by the occupant force. Right from the inception of Kashmir dispute, Kashmiris launched a rigorous movement against the Indian occupation. However they were lead astray by the Indians due to successful machinations manipulated by the active tertiaries of the Land. The successive puppet governments imposed by Delhi played a nefarious role against the mass based Liberation Movement. Political subjugation, special evils and economic imbalance caused deep rooted maladies in the badly politic of the Land. Hence the Liberation movement turned in to a resistant movement and paved the path for the armed struggle... India, in the beginning endorsed the U.N. resolutions meant to resolve the Kashmir issue amicably. She even categorically accepted in the international forums, the terms and conditions underlying these resolutions. Besides her leaders made promises to fulfill

its commitments made to Kashmiri people internationally... The subsequent deviations established treachery and imperialistic hegemony of India. On the other hand, Pakistan has been constantly supporting, advocating and propagating the right of self-determination embodied in the U.N. resolutions. Pakistan never preferred or accepted to normalize its relations with India merely in view of the recognition it accorded to the aforesaid resolutions, even though it had to part with one of its geographical units and had to face fierce Indian aggressions thrice. While sincerely pleading the right of Self-determination it never annexed Azad Kashmir in its territory even though the military and socio-political scenario of the region and other legal compulsions necessitated such an integration. Further more, Pakistan provided a helping hand politically, morally and diplomatically to our liberation movement... On the contrary, what India did and what she is doing to overpower our valiant and just struggle is an open chapter of the contemporary history. This chapter is blackened by the aggressions, bloodshed, gross violations of human rights, molestations, cultural assassinations, indiscriminate arrests and what is not conceivable at the hands of occupation forces and its imperialistic leadership... We launched the armed struggle after analyzing thoroughly and seriously all the substitute channels to get our objectives materialized, grievances redressed and aspirations of Liberation concretized. We owe heartfelt gratitude to Allah that due to the un-parallel and exemplary sacrifices we have broken the shackles of slavery, while choosing the revolutionary path of No-Return."¹ In respect of a dialogue with India, Hizbul Mujahideen held that "the negotiations cannot be carried on within the frame-work of Indian or so-called Kashmir constitution fully or partly; neither it shall be binding on the participants in the negotiations. The U.N. charter and Security Council resolutions on Kashmir shall form the preamble for the talks."²

On the other hand JKLF's leader Mr. Amanullah Khan pleading for Independent Kashmir expressed his opinion in his interview to Arab News in 1990, some relevant extracts whereof are given as under:

(Q) You are for an independent Kashmir or a Pakistani-affiliated state?

(A) As far as our organisation is concerned, we want an independent state.

(Q) Would you accept a compromise with India where it would administer Indian-held Kashmir the same way Pakistan administers Pakistan-held Kashmir...?

(A) No we won't accept it at all. In Indian-held Kashmir,

there was a government like that till 1953. When Sheikh Abdullah was there, we had a separate president, prime minister, separate national flag and all that, but that was done just to kill time by Indians and we don't trust them. So long as a single Indian soldier is there, or so long as our foreign policy is in the hands of Indians, we won't be safe.

(Q) Would you be willing to talk to them if they stopped the bloodshed?

(A) We are willing to talk to India unconditionally. They say, "You accept our sovereignty and then we will talk." How can we accept Indian sovereignty over Kashmir when we are fighting to eliminate it?

(Q) Why was your visa to the U.S. revoked?

(A) ...The Indians were scared about my telling the truth to the world. When I showed the press the world map published by the United Nations, which shows Kashmir completely separate from India and Pakistan, they were stunned, they didn't know.

When asked to comment on Afghan issue vis-a-vis Kashmir Amanullah replied, "The Afghan issue is more complicated. In our case there are only two ideologies: either total independence or affiliation with Pakistan... Unity for us won't be too difficult because we'll do whatever the people decide."³

Obviously there are no two opinions in regard to elimination of Indian hold over Kashmir. Only the means and ways are little different. Amanullah too agreed that "If the majority of the people want, after independence, to go with Pakistan we won't stand in their way." He, however, holds that we have been a free nation for three quarters of our history. From the 13th to the 17th century, we were a free Muslim nation and one of the most prosperous and advanced nations in the entire sub-continent. Our history teaches us that it is to our advantage to be free... I would like the Muslim world to realize that this issue is basically a Muslim issue; that is why we deserve support from the Islamic world. The way the Indians are killing the Muslims requires every Muslim in the world to rise in our support, condemn India for their savagery and support our struggle for freedom."⁴

Hizbul Mujahideen have taken an attitude to face the falsehood of India squarely. People believe that Indians have betrayed the trust that United Nations had placed in India in holding part of Kashmir till the plebiscite was held. Hizb insists that Indians have not fulfilled their commitments; they have all along pursued the policy of fraud, repression and oppression. So Indians need to be squarely faced under the tenets of Islam; no matter if

the Liberation movement is dubbed by Indians as terrorism or fundamentalism. Against this ideology, JKLF leaders say that India will not permit the IHK to go to Pakistan. Therefore the solution lies mid way in Independent Kashmir, by dint of which proposition, both the parties shall have to make adjustments in their stands and bring peace and progress in the sub-continent.

Indian human rights organisation, whose members were eminent and respectable personalities of India visited Kashmir during 1990. In their report they inter alia wrote: "The huge demonstrations were peaceful. People were unarmed but all shouted anti-India slogans and wanted independence ... the non-implementation of the United Nations resolution for a plebiscite and sabotage of the democratic process of free and fair elections thus denying these basic human rights and repression of Kashmiri people forms the genesis of the current problem... They are totally united for liberation from India. This movement is totally indigenous. The vast majority are for independence."

Another eminent jurist of India working in connection with Human Rights in February 1990 pleaded: "A grant of plebiscite to the people of the Kashmir Valley is the obvious solution... If, as a third alternative, Kashmir becomes an independent democratic and secular State, its territorial integrity should be guaranteed by India, Pakistan and the United Nations. That would end the hostility between India and Pakistan; and Kashmir will acquire the status of the Switzerland of Asia. A humanist cannot wish for anything better."⁵

Let us first examine the implications of Plebiscite. If some international community or the United Nations prevail upon the two countries that U.N. resolutions are a sine-quo-non and need be implemented, what will it lead to? Population distribution in Kashmir, upon which a plebiscite solely depends need to be examined in this behalf. As stated loco citato, population of Kashmir State has reached to 11.6 million in 1991 - 7.3 million (63%) in IHK and 4.3 million (37%) in Pakistan controlled Kashmir and other parts of the world. Break-up of community wise population is given as under:

AREA	Total	Muslim	Non-Muslim
Cultural Units	million	%	%

(A) Indian-held Kashmir:

Kashmir Valley	3.80	95	5
Poonch, Rajouri & Doda	1.18	65	35

Jammu, Kathua & Udhampur	2.16	10	90
Leh district	0.08	15	85
Kargil district	0.08	78	12
Total (IHK)	7.30	64	36

(B) Azad Kashmir and other parts.

Azad Kashmir	2.50	100	Negligible
Gilgit and Baltistan	0.70	100	Negligible
Kashmiris in Pakistan	0.80	100	Nil
Kashmiris in rest world	0.30	100	Negligible
Total	4.30	100	Negligible
Grand Total KASHMIR	11.60	78	22

Further break up of non-Muslim population shows that Hindus are only 19.6%, Sikhs 1.3%, Buddhists 0.7% and other communities like Christians, Jains etc. constitute 0.4%. India has obviously no chances of getting Kashmir if Plebiscite of the State is held under the auspices of U.N. or any other outside impartial agency. Therefore India shall always feel uneasy on a suggestion from any quarter that she should fulfill her obligations of international commitments of holding a plebiscite in Kashmir. She has to put forth all vain excuses before the world. She may go to any extent to prevent application of that sort of a rationale for solving the issue. Strange as it appears; one pretext is that India is a secular country. If Kashmir separates from India on communal basis, India will be torn to pieces. This is paradoxical. Within the findings of this research work, Kashmir is not a part of India. So the question of its separation does not arise. People in Kashmir do not recognize their homeland as part of India. Indian leaders are fully aware that they have no locus standi in Kashmir. Even hoisting of Indian flag at public places in Kashmir Valley has become a problem for India. The drama of hoisting Indian flag on republic day of India in 1992, described in the previous chapter is a glaring evidence of the difficult situation India is faced with in continuing her illegal and illegitimate hold over Kashmir.

As to the contention of Indian leaders that India is secular, much has been proved in this book to the contrary. Still it may not be out of place to reflect the Indian Muslim's plight in their leader's own words. In 1983, Syed Shahabuddin wrote: "The Muslim Indians are neither a pampered nor a persecuted community which is subject to persistent discrimination to occasional violence, and a permanent threat of cultural annihilation. It is a community which is fearful of the erosion

of the Islamic dimension of its cultural personality... Is it a privilege to live in the shadow of terror and insecurity? Is it a privilege to be subjected to pogroms every now and then, with no early warning system, with nothing to foretell the place of the next outbreak?... Is it a privilege to be refused use of loudspeakers for 3-minute azans, while bhajans and kirtans and film sangeet go on, night after night? Is it a privilege to be refused permits for Qurbani? Is it a privilege to have your religion insulted, your Prophet abused, your Holy Book misinterpreted, day in and day out, in books, posters, booklets, leaflets and be unable to seek redress?... The common Muslim rooted in the soil, suffers in silence. He takes secularism as a joke, as a meaningless charade, a tale told by an idiot. He thinks that he is a second class citizen in a Hindu country, and that "they" are the rulers and he is among the ruled. He knows nothing about the Constitution and the rule of law or of equality before the law. For him, the law is the police and in the police he has no place... Let us turn to the question of bread. Can anyone explain why, 35 years after Independence, the second largest community of India, 12% of the population has but a marginal presence in salaried jobs... Constitution also grants equality of opportunity and prohibits discrimination on the basis of religion. But that is theory... The Muslim industrialists and traders (and there are so few at the national level) complain of discrimination in grant of licenses and quotas and of bank loans. The Muslim weavers complain of unfair competition and unsympathetic treatment in supply of inputs; the Muslim artisans complain of the economic exploitation by the Hindu intermediary; the Muslim drivers complain that they can get no bank guarantees for purchasing vehicles to ply. Check the number of telephones, cars, radios, T.V. sets ... in any town, big or small, you will find the myth of Muslim "affluence" exploding... What does it matter if in the Central Secretariat, the Muslims do not constitute one per cent of the work force? After all two out of 7 Presidents of the Republic have been Muslims. What does it matter if in the Armed Forces the Muslims are not even one per cent of the officer-corps? We had a Muslim as the Air Force Chief. What if out of 500 fellows of the National Academy of Sciences only 6 or 7 are Muslims? A Muslim Indian led our first expedition to the Antarctica!"⁶

After the lapse of 6 years Syed Shahabuddin again cried hoarse on the plight of Muslims in India. In 1989 he wrote: "Questions of Security, Equality and Dignity continue to pose a big question mark for the Muslim community. Politically disowned, educationally backward, economically depressed, practically barred from public

and private employment, nursing a sense of insecurity and subjected to humiliation and indignity at every step, yet the community shall not vanish..."⁷

One famous journalist of India, coming from another minority Sikh community, Mr. Khushwant Singh wrote: "Even democratic societies often keep minorities under subjugation by indiscriminate use of terror or turning a blind eye towards organisations which persecute them, e.g., the Klu Klux Klan violence against blacks and jews. In India the police is more often than not used by the administration to get rid of elements unsympathetic to it, i.e., by encouraging it to organise fake encounters and kill in cold blood. Or, instruct it to remain passive spectators to violence being committed by a favoured community against another. That this has become a pattern in Hindu-Muslim riots is proved by the fact that in almost every one of these confrontations since independence Muslim loss of life and property has been almost ten times that of the Hindus."⁸

May be the minorities in other parts of the world do not also get due attention to their problems; but the way Muslims in India have been treated for the past 45 years (1947-1992) has made it still more difficult for the Muslims of Kashmir to merge with India. Can they venture to throw their lot with India and be treated the way Indian Muslims are treated there? Should they be held hostages for the Muslims of India? The facade of Indian secularism against the internationally accepted principle of plebiscite in Kashmir is nothing but a hoax to hoodwink the outside world.

Another alternative solution to the Kashmir issue, that the people talked about, was the Independent Kashmir. In support of this alternative some British Parliamentarians were also seen taking interest. In July 1990 Kashmir issue was taken up in the Parliamentary debates of the House of Commons. One member Mr. Max Madden, among other things said, "The men, women and young people of Kashmir want an opportunity to decide their future and to determine the destiny of Kashmir. As my Hon. Friend the Member for Pollok said, more than 40 years ago, the people of Kashmir were promised a plebiscite to decide their future. Traditionally, the choice has always been between remaining part of India or becoming part of Pakistan. There should now be a third option of independence, for which the people of Kashmir can also vote in deciding their future... In the face of a mountain of allegations about human rights violations in Kashmir, we cannot remain neutral. The Minister cannot dispute the scale of the human rights violations, in view of the

authenticated reports of the numbers of the people who have been murdered, seriously injured, tortured, detained, raped, harassed and intimidated daily by the Indian security forces whose numbers we do not know - the minimum estimate is 150,000 ... Therefore I urge the Minister and Her Majesty's Government to take action and put pressure on the Indian Government to allow people of Kashmir to hold a referendum and decide their own future and the destiny of their country."⁹ One year later, in August 1991, leader of the Labour party of the United Kingdom, Mr. Gerald Kaufman was permitted by Govt. of India to visit Kashmir. Among other things he said that the existing UN resolutions had limited use and that many Kashmiris want an independent State that is controlled neither by India nor by Pakistan. In Srinagar he said that the "Kashmir problem should be solved through negotiations between India, Pakistan and people of Kashmir."

One aspect of these efforts of the British leaders could be that, in the context of fast changing situation in this region due to changes of the Soviet Union, they might prefer to have an independent Kashmir so that direct liaison could be had with this strategic part of the region. Other aspect could be that they desire to weaken UN resolutions on Kashmir and create one more confusion of a triangular contest in Kashmir between Pakistan, India and Independent alternatives; in which case the Muslim majority votes would get divided to the advantage of India. Whatever was at the back of these efforts, the time would alone show. People of Kashmir seemed to be more vigilant than ever before.

While Pakistan has been, ever since the start of the Turmoil in Kashmir, trying to seek help from the Islamic countries in solving this issue, one resolution, demanding the settlement of the Kashmir dispute in accordance with UN resolutions and in the light of Simla agreement, was passed by the OIC at Dakar in December 1991. Further it urged the Secretary General of OIC to send a fact-finding mission to Kashmir. It is however most unlikely that this mission will ever be permitted by India to examine the situation freely in Kashmir. Inside Pakistan, however, seven Kashmiri political organisations issued a document termed as "Lahore Declaration of December 13, 1990", which among other things has called upon complete independence of Kashmir State and demanded that the Azad Kashmir government take full and practical part in the freedom struggle and also urge its peoples to take full part in it.

Notwithstanding all these developments, support system

from the world powers was found lacking till early 1992. United Nations was sleeping over the matter, for there was no signal forthcoming from USA and her allies. China has deplored the weaknesses and inadequacies of the United Nations Organisation. In one interview the Chinese Prime Minister Mr. Zhao Ziang said: "Power politics, characterized by the big countries bullying the small and the strong oppressing the weak' had become the 'stark reality of to-day's international relations."¹⁰

More interesting was the fact that the Human Rights Organisation, Amnesty International and other related agencies like Asia Watch etc. could not with the passage of time come up to the expectations of the affected peoples of such areas of the world where USA and her allies were not much interested. Non-implementation of the UN resolutions have indeed done a great harm to Kashmir in particular and the sub-continent in general. Holding of warring parties - India on one side and Liberation forces of Kashmir and Pakistan on the other, has proved to be disastrous contrivance of super powers at the UN to prolong the hatred and animosity inter-se. The cease-fire Line within their home land, has become a death line for Kashmiris. Although the UN resolutions on Kashmir, in spirit permit people on both sides of the cease-fire line to move freely but in actual practice it has taken a heavy toll of Kashmiri youth at the tyrant hands of Indian army. Predicament that has ensued in Kashmir has been found basically as a function of implementation of one part of UN resolution viz. cease-fire; and non-implementation of its more important part viz. 'self-determination of the people.' This phenomenon points towards some radical changes in the world order.

United Nations, as is known, has been founded by the winning powers of World War II. That explains the untenable privilege contained in Veto power in the United Nations Charter, leading to hegemony and many other ills in the world order; particularly the one causing economic imbalances between nations. Originally this world body was formed by 51 member states. Only four came from Africa and eight from Asia. For the past 47 years its membership has grown to about 170 - more than 50 African and about 40 Asian. Therefore the charter needs to be changed in order that it meets the requirements of the present day. Among the changes that are warranted in the UN charter, 'principles of International Law' concerning the People's right within the member states and granting of independence and/or right of self-determination in the disputed parts of the world should be articulated in full depth so that new world order is assured by this world body. But so long as the colonial powers who hold sway on

UNO, do not come round, such changes are not likely to materialize. Therefore the third world in general, 'Justice loving' nations and Muslim world in particular must find ways and means, by creating alternative forum or forums to this world body in order to build a new world order compatible with (a) Justice to mankind irrespective of caste, colour, creed and religion; and (b) Needs and Realities of the present day world.

As to the Kashmir problem, the author feels that the awakening among the Kashmiri people has come to a stage, where perhaps it will be very difficult for India to introduce puppet government in IHK again. They strongly believe that India has always behaved arrogantly with Kashmiri Muslims and continues evil designs against their self-determination. Their strong faith ensues from the dogmas of their religion, however bitter it may be to other communities. Holy Quran says: "Behaving arrogantly in the land and plotting evil; and the evil plot encloseth the men who make it... Have they not travelled in the land and seen the nature of the consequence for those who were before them, and they were mightier than these in power." (xxx-43 and 44, Al-Quran). Doom of the colonial powers who once enslaved Europe, Algeria, India, Africa and other parts in the world is known to mankind. Therefore Kashmiris strongly believe that their enslavement is bound to end. They have no evil designs against any neighbouring country. They are fighting for freedom, which they feel is their birth right. They want nothing but self-determination.

Self-determination is not, however, a selective doctrine. It can be as accession to Pakistan or India through Plebiscite or it can be plebiscite on Independence only. Los-Angeles Times wrote in 1990: "What the Kashmiris want is a plebiscite on Independence... They plainly ask, "Why can't the two sides just leave us alone." This is not wholly correct. Muslim majority of IHK want freedom from Indian rule. For no fault of theirs they were first held hostage by India in 1947 for annexation of Hyderabad and Junagadh; and later, after accepting the resolutions of the United Nations on Kashmir, India again held them hostage for Pakistan's joining SEATO and CENTO; and then India again played with the contrivance of Simla agreement at the back of the people of Kashmir. Uprising of 1990s must have, it is believed, convinced many Indians the futility of building an edifice on false and deceptive foundations. However, even at this late stage, if the people of the sub-continent rise to the occasion and initiate action in compounding the issue in the best interests of the people of the sub-continent in justice to the satisfaction of the people of Kashmir it will do

a lot good to all.

Turmoil, however, continues in Kashmir unabated. On the basis of the trend, behaviour, intensity and endurance of this historic turmoil, it is possible to articulate some sort of Interim Plan which the people might most probably follow for achieving their goals. Salient features of this plan are given ut-infra:

(1) India has been trying to make many international communities wrongly understand that Kashmir is a territorial dispute between India and Pakistan. This misconception leads them to believe that it can be resolved through bilateral negotiations as envisaged in the Simla agreement. People of Kashmir insist that the problem is that of the self-determination of the people as has been agreed by the two countries time and again in the past. Unless that is accomplished there are always chances of turmoil and uprisings in Kashmir.

(2) Bilateralism accepted by India and Pakistan under the provisions of Simla agreement is, as the text reads, without prejudice to the recognised position of either side. The recognised position is contained in UN resolutions as accepted by both these countries. Therefore by virtue of that fact also, United Nations and the people of Kashmir cannot be precluded.

(3) India tells the world communities that Pakistan is stoking fires of discontent. People, it is believed, insist that Pakistan is a consequence and not the cause. The cause for uprisings is the denial of self-determination to the people by India. People of Kashmir stand at their own and have struggled and will struggle at their own till the justice is done.

(4) Triangular contest between India, Pakistan and Independence shall not be agreed. In that case the Muslim Majority vote shall be divided. The solution to be aimed at must be through self-determination with two alternatives: (a) Plebiscite for Accession to India and Pakistan under UN auspices, or (b) Without prejudice to the agreed resolutions of UN, Plebiscite through the UN on Independence - a vote to be cast for Independence Yes/No. Before initiating action in respect of the second alternative, it has to be agreed by Pakistan, India and the representatives of whole Kashmir that independent State shall be a federation consisting of the proportionate representation of the cultural units described as above; with each unit free to choose its future status within a specific period of not less than 5 years, whether to continue to remain as a federal unit of the independent State or to

accede to any neighbouring country which it finds beneficial and secure.

(5) Demilitarization of entire Kashmir State (i.e. withdrawal of all outside forces) shall be a sine quo non before embarking upon the programme of self-determination by any method acceptable to the people of the state.

(6) No modus vivendi shall be agreed.

(7) Freedom struggle shall, as the trend shows, include propagation of facts to the outside world in a big way by all possible means and sources.

(8) Revival of fifth column and politicians of opportunistic predilections shall not be permitted.

(9) In 1360s A.D., there has been mass conversion of Hindus of Kashmir to Islam, brought about by foreign Muslim saints of Central Asia by reasoning and discussion, and not by force. People of Kashmir are always amenable to reason. They want discussions and answers with all parties involved in the Kashmir dispute without pre-conditions. Representation of the people of Kashmir State in any negotiations shall, as far as may be practicable, consist of the proportion of Unit-wise population distribution described as above.

(10) Under the circumstances prevailing in IHK it appears that some sort of financial discipline shall be evolved for collection of Zakat (Payment due to the poor) from government employees, industrialists, landlords, businessmen and rich people of all types, and distribution of the same along with surplus funds of shrines as aid to the destitute and innocent people affected by murders, injuries, torture, detention, loot, rampage, fire and torture.

(11) In order to obviate difficulties faced by the people of Kashmir Valley due to recurring failures of the Banihal Cart road, it shall become incumbent upon them to launch a programme of Import Substitution in a big way, particularly in respect of food stuffs; which include growing of vegetables, rearing of sheep, development of poultry and Dairy farms with their ancillary industry; and industries of the type raw materials whereof are locally available. Further from various considerations people shall give top priority to Hard work, Education and Energy. These key variables will help them solve many problems.

(12) Intelligentsia of Kashmir shall closely watch the

changes that are likely to take place in the political scenario of the region due to emergence of independent Muslim States of central Asia; and shall not permit the super power jugglery to come in the way of their freedom. This is the key element in this region, on account of which predicaments of the suffering people have remained in Kashmir ever since 1846.

More often than not the conflict has been and shall continue to be triggered by external forces who work behind the scenes, and overtly or tacitly provoke influential sources in India to maintain her intransigent attitude in respect of Kashmir. In that hardened attitude, ever growing sacrifices of innocent Muslims in Kashmir shall continue to be called by India as terrorist activities. As in the past, whenever the freedom struggle in IHK has touched new heights, bogey of involvement of Pakistan has been raised and under that cover all means of genocide of Muslim population of IHK have been and shall continue to be applied. Notwithstanding all the contrivances, however, India has and will continue to have serious difficulties in integrating Kashmir with her. Under these circumstances events are always due to get out of their control. It is therefore most likely that external agencies which have been stoking the fires in this conflict shall continue to escalate the conflict and it is very likely that a stage of impasse shall be reached for India, where she may find recourse to some alternative. Under these circumstances it becomes incumbent for freedom loving people in Kashmir to remain united and consistent in their efforts to get the justice done. "Sanction is given to those who fight because they have been wronged; and Allah is indeed Able to give them victory." (xxii-39, Al-Quran)

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ANNEXURES

ANNEXURE - 1

Treaty between the British Government
and the State of Lahore

Whereas the treaty of amity and concord, which was concluded between the British Government and the Late Maharaja Ranjeet Sing, the Ruler of Lahore in 1809, was broken by the unprovoked aggression, on the British Provinces, of the Sikh army in December last, and whereas on that occasion by the proclamation dated 13th December, the territories then in the occupation of the Maharaja of Lahore on the left or British Bank of the River Sutlej, were confiscated and annexed to the British Provinces, and since that time hostile operations have been prosecuted by two governments, the one against the other which have resulted in the occupation of Lahore by the British Troops, and whereas it has been determined that, upon certain conditions peace shall be reestablished between the two governments, the following treaty of Peace between the Honourable English East India Company and Maharaja Dhuleep Sing Bahadoor and his children, heirs and successor, has been concluded on the part of the Honourable Company by Frederick Curie esquire and Brevet Major Henry Montgomery Lawrence, by virtue of full powers to that effect vested in them by the Right Honourable Sir Henry Hardinge of Her Britannic Majesty, most Honourable Privy council Governor General, appointed by the Honourable Company to direct and control all their affairs in the East Indies, and on the part of His Highness Maharaja Dhuleep Sing by Bhaee Ram Sing, Raja Lal Sing, Sirdar Tej Sing, Sirdar Chuter Sing Attareewalla, Sirdar Runjore Sing Majeethia, Dewan Deena Nath and Fakeer Nooroodeen vested with Full powers and authority on the part of His Highness.

Article No I

There shall be perpetual peace and friendship between the British Government on the one part, and Maharaja Dhuleep Sing, his heirs and successors on the other.

Article II

The Maharaja of Lahore renounces for himself, his heirs and successors all claim to, or connection with the Territories lying to the south of the River Sutlej and engages never to have any concern with those territories or the inhabitants thereof.

Article III

The Maharaja cedes to the Honourable Company in perpetual

sovereignty, all his forty territories and Rights, in the Doab or country Hill and Plain, situated between the River Beas and Sutlej.

Article IV

The British Government having demanded from the Lahore State, as indemnification for the expenses of the war in addition to the cession of territory described in the article III; payment of one and half Crore of rupees, and the Lahore Government, being unable to pay the whole of this sum at this time, or to give security, satisfactory to the British Government for its eventual payment, the Maharaja cedes to the Honourable Company, in perpetual sovereignty, as equivalent for one crore of Rupees all his forts, territories, rights and interests in the Hill Countries which are situated between the Rivers Beas and Indus, including Provinces of Cashmere and Hazarah.

Article V

The Maharaja will pay to the British Government the sum of 60 lacs of rupees on or before the ratification of this treaty.

Article VI

The Maharaja engages to disband the mutinous troops of the Lahore army, taking from them their arms and His Highness agrees to recognize the regular or Aeen regiments of infantry, upon the system and according to the regulations as to pay and allowances ordered in the time of the late Maharaja Runjeet Sing, the Maharaja further engages to pay up all arrears to the soldiers that are discharged, under the provisions of this article.

Article VII

The Regular Army of Lahore state shall henceforth be limited to 25 battalions of infantry, consisting of 800 bayonets each with twelve thousand Cavalry. This number at no time to be exceeded without the concurrence of the British Government. Should it be necessary at any time - for any special cause - that this force should be increased, the Cause shall be fully explained to the British Government, and when the special necessity shall have passed, the regular troops shall be again reduced to the standard specified in the former clause of this article.

Article VIII

The Maharaja will surrender to the British Government all the guns - thirty six in number which have been pointed against the British Troops - and which, having been placed on the right bank of the river Sutlej, were not captured at the battle of Subraon.

Article IX

The control of the rivers Beas and Sutlej with the continuations of the latter river, commonly called the Gurrah and the Punjnad, to the confluence of the Indus at Mithunkote - and the control of the Indus from Mithunkote to the borders of Beloochistan shall, in respect to tolls and ferries rest with the British Government. The Provisions of this article shall not interfere with the passage of boats belonging to the Lahore Government on the said rivers, for the purposes of traffic or the conveyance of passengers up and down their course. Regarding the ferries between the two countries respectively at the several ghats of the said rivers it is agreed that the British Government after defraying all the expenses of management and establishments, shall account to the Lahore Government for one half of the net profits of the ferry collections. The provisions of this article have no reference to the ferries on that part of the river Sutlej, which forms the boundary of Bhawalpoor and Lahore respectively.

Article X

If the British Government should, at any time, desire to pass troops through the territories of His Highness the Maharaja for protection of the British territories, or those of her allies, the British troops shall, on such special occasions, due notice being given, be allowed to pass through the Lahore territories. In such case the officers of the Lahore state will afford facilities in providing supplies and boats for the passage of rivers and the British Government will pay the full price of all such provisions and boats and will make fair compensation for all private property that may be endamaged. The British Government will more over observe all due consideration to the religious feelings of the inhabitants of those tracts through which the army may pass.

Article XI

The Maharaja engages never to take, or retain in his Service army British subject of any European or American state without the consent of the British Government.

Article XII

In consideration of the services rendered by Rajah Golab Sing of Jummoo, to the Lahore state towards procuring the restoration of relations of amity between the Lahore and British Government, the Maharaja hereby agrees to recognize the independent sovereignty of Raja Gulab Sing in such territories and districts in the hills as may be made over to the said Raja Golab Sing by separate agreement between himself and the British Government with the dependencies thereof which may have been in the

Raja's possession since the time of the late Maharaja Khurruck Sing, and the British Government in consideration of the good conduct of Raja Golab Sing, also, agrees to recognize his independence in such territories and to admit him to the privileges of a separate treaty with the British Government.

Article XIII

In the event of any dispute or difference between the Lahore state and Raja Golab Sing same shall be referred to the arbitration of the British Government, and by its decision the Maharaja engages to abide.

Article XIV

The limits of the Lahore territories shall not be at any time changed without concurrence of the British Government.

Article XV

The British Government will not exercise any interference in the internal administration of the Lahore State but in all cases or questions which may be referred to the British Government the Governor General will give the aid of his advice and good office for the furtherance of the interest of the Lahore Government.

Article XVI

The subject of either state shall on visiting the territory of the other, be on the footing of the subjects of the most favoured nation.

This treaty, consisting of sixteen articles has been this day settled by Frederick Currie, Esquire and Brevet Major Henry Montgomery Lawrence, acting under the directions of the Right Honourable Sir Henry Hardinge G.C.B. Governor General, on the part of the British Government and by Bhaee Ram Sing, Raja Lal Sing, Sirdar Tej Sing, Sirdar Chutter Sing Attareewalla, Sirdar Runjore Sing Mahjeethia, dewan Deena Nath and Faqueer Nooroodeen, on the part of the Maharaja Dhuleep sing and the said treaty has been this day ratified by the seal of the Right Honourable Sir Henry Hardinge G.C.B. Governor General, and by that of His Highness Maharaja Dhuleep Sing.

Done at Lahore, this ninth day of March in the year of our Lord one thousand eight hundred and forty six, corresponding with the tenth day of Rubbee-ool awal 1262 Hijree and ratified on the same date.

Sig. of H. Hardinge I.S.
 Sig. Maharaja Dhuleep Sing I.S.
 Sig.....

ANNEXURE - 2

My dear Lord Mountbatten,

I have to inform your Excellency that a grave emergency has risen in my State and request immediate assistance of your Government.

As your Excellency is aware, the Jammu and Kashmir has not acceded to the Dominion of India or to Pakistan. Geographically my State is contiguous to both the Dominions. It has vital economical and cultural links with both of them. Besides my State has a common boundary with the Soviet Republic and China. In their external relations the Dominions of India and Pakistan cannot ignore this fact.

I wanted to take time to decide to which Dominion I should accede, or whether it is not in the best interests of both the Dominions and my State to stand independent, of course with friendly and cordial relations with both.

I accordingly approached the Dominions of India and Pakistan to enter in to Standstill Agreement with my State. The Pakistan Government accepted this Agreement. the Dominion of India desired further discussions with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government are operating Post and Telegraph System inside the State.

Though we have got a Standstill Agreement with the Pakistan Government, the Government permitted steady and increasing strangulation of supplies like food, salt and patrol to my State.

Afridis, soldiers in plain clothes, and desperadoes with modern weapons have been allowed to infiltrate in to the State at first in Poonch and then in Sialkote and finally in mass area adjoining Hazara District on the Ramkot side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and thus had to face the enemy at the several points simultaneously, that it has become difficult to stop the wanton destruction of life and property and looting. The Mahora power-house which supplies the electric current to the whole of Srinagar has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the summer capital of my Government, as first step to over running the whole State.

The mass infiltration of tribesmen drawn from the distant areas of the North-West Frontier coming regularly in motor trucks using Mansehra - Muzaffaabad Road and fully armed with up-to-date weapons cannot possibly be done without the knowing of the Provincial Government of the North-West Frontier Province and the Government of Pakistan. In spite of repeated requests made by my Government no attempt has been made to check these raiders or stop them from coming to my State. The Pakistan Radio even put out a story that a Provisional Government has been set up in Kashmir. The people of my State both the Muslims and Non-Muslims generally have taken no part at all.

With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to freebooters. On this basis no civilized Government can exist or be maintained. This alternative I will never allow to happen so long as I am ruler of the State and I have life to defend my country.

I may also inform your Excellency's Government that it is my intention at once to set up an interim Government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State has to be saved immediate assistance must be available at Srinagar. Mr. Menon is fully aware of the situation and he will explain to you, if further explanation is needed.

"In haste and with kindest regards."

The Palace, Jammu
26th October, 1947.

Yours Sincerely,
Hari Singh

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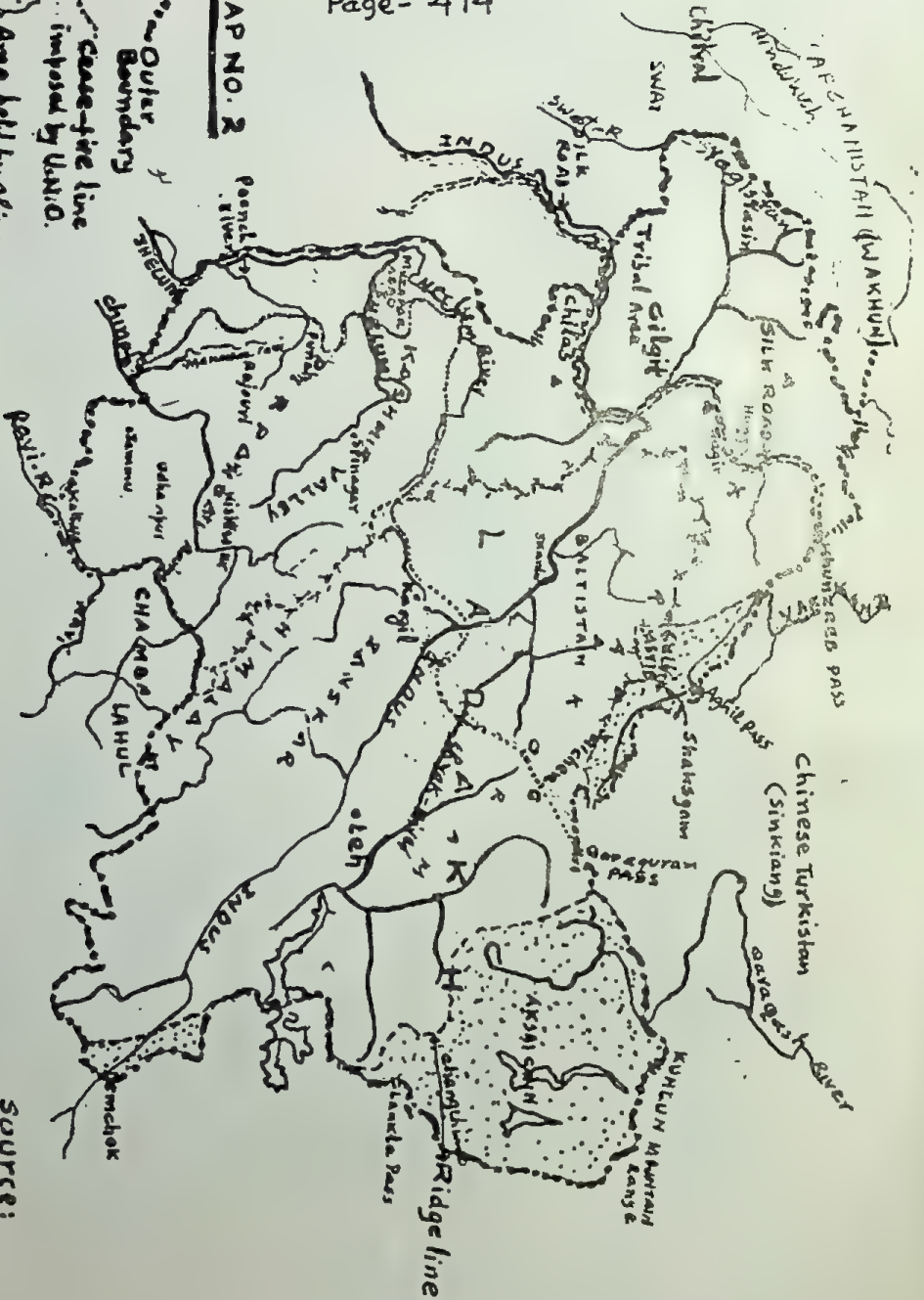
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MAP NO. 1



MAP NO. 2

- Outer Boundary
- Case-fire line imposed by U.N.I.C.
- Area held by China
- mountain peaks.



Source:
Compiled by
the author



Source
Ancient Kashmir
by Rahbani.

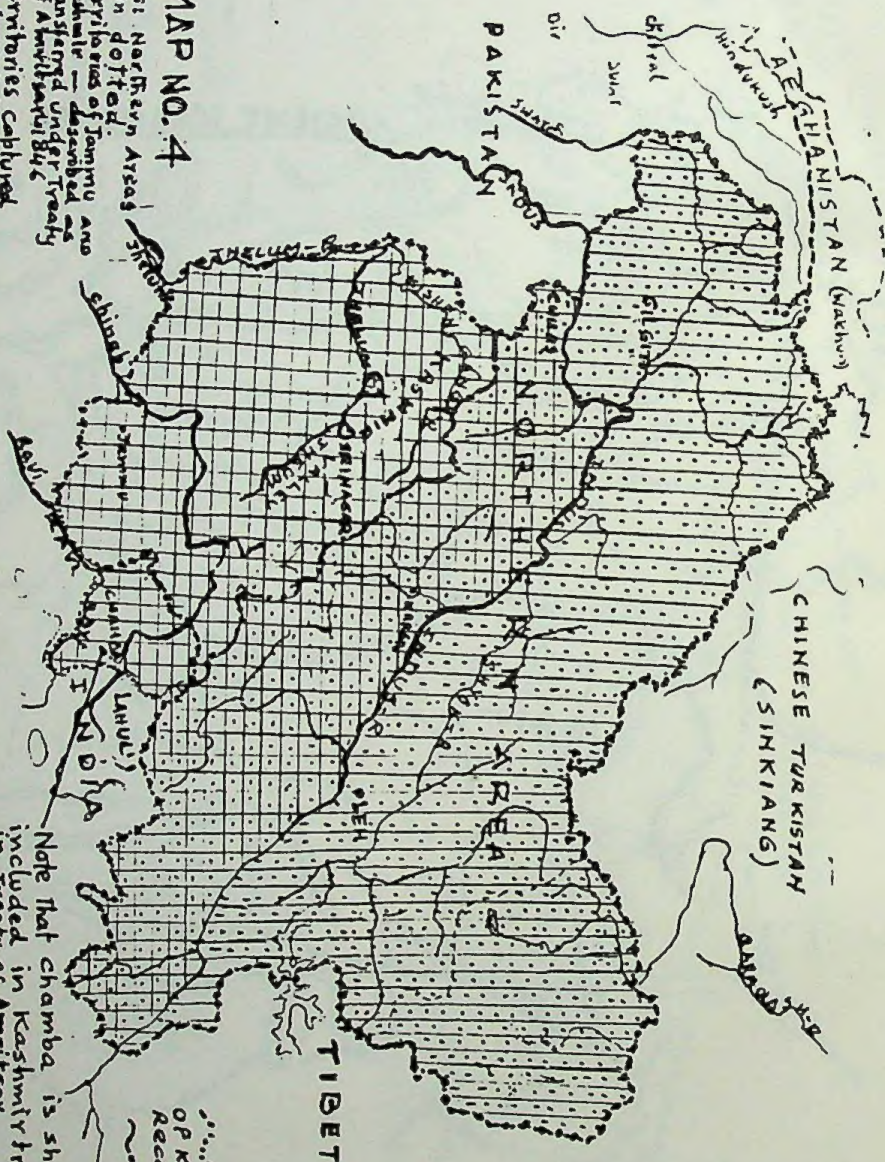
MAP NO. 4

SHOWING: Northern Areas
shown dotted.
Territories of Jammu and
Kashmir — described as
of a doubtful title.
Territories captured
under joint campaigns
by British and Dogra forces

Source: Compiled by the author

Note that Chamba is shown
included in Kashmir transaction
in treaty of Amritsar

BOUNDARY
OF KASHMIR IN official
Records
Boundary
Dividing Northern
and Southern
Areas of Kashmir





MAP NO. 5

- SHOWING :
1. CENTO COUNTRIES
 2. WARSAW COUNTRIES
 3. Central Asia.
 4. KASHMIR with surrounding countries.



